

BY

Brooks

S.B. 813

A BILL TO BE ENTITLED

AN ACT

1 relating to the licensing and regulation of speech-language pathologists
2 and audiologists; providing penalties; and declaring an emergency.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS"

4 SECTION 1. PURPOSE. It is the policy of this state that in
5 order to safeguard the public health, safety, and welfare and to
6 protect the public from unprofessional conduct by speech-language
7 pathologists and audiologists, it is necessary to provide regulatory
8 authority over persons offering speech-language pathology and
9 audiology services to the public.

10 SECTION 2. DEFINITIONS. In this Act:

11 (1) "Committee" means the State Committee of Examiners for
12 Speech-Language Pathology and Audiology.

13 (2) "Person" means an individual, corporation, partnership,
14 or other legal entity.

15 (3) "Speech-language pathologist" means an individual who
16 practices speech-language pathology, who makes a nonmedical evaluation,
17 who examines, counsels, or provides habilitative or rehabilitative
18 services for persons who have or are suspected of having speech,
19 voice, or language disorders, and who meets the qualifications set
20 forth in this Act.

21 (4) "The practice of speech-language pathology" means the
22 application of nonmedical principles, methods, and procedures
23 for the measurement, testing, evaluation, prediction, counseling,
24 habilitation, rehabilitation, or instruction related to the development
25 and disorders of speech, voice, or language for the purpose of
26 rendering or offering to render an evaluation, prevention, or
27 modification of these disorders and conditions in individuals or
28 groups of individuals. Speech-language pathologists may perform the
29 basic audiometric screening tests and hearing therapy procedures
30 consistent with their training.

1 (5) "Audiologist" means a person who practices audiology, who
2 makes a nonmedical evaluation, who examines, counsels, or provides
3 habilitative or rehabilitative services for persons who have or
4 are suspected of having a hearing disorder, and who meets the
5 qualifications set forth in this Act.

6 (6) "The practice of audiology" means the application of
7 nonmedical principles, methods, and procedures for the measurement,
8 testing, appraisal, prediction, consultation, counseling, habilitation,
9 rehabilitation, or instruction related to hearing and disorders of
10 hearing and for the purpose of rendering or offering to render services
11 modifying communicative disorders involving speech, language, auditory
12 function, or other aberrant behavior relating to hearing loss. An
13 audiologist may engage in any tasks, procedures, acts, or practices
14 that are necessary (A) for the evaluation of hearing; (B) for training
15 in the use of amplification including hearing aids; or (C) for the
16 making of earmolds for hearing aids. An audiologist may participate
17 in consultation regarding noise control and hearing conservation,
18 may provide evaluations of environment or equipment including
19 calibration of equipment used in testing auditory functioning and
20 hearing conservation, and may perform the basic speech and language
21 screening tests and procedures consistent with his or her training.

22 (7) "Speech-language pathology aide" means a person who meets
23 minimum qualifications which the committee may establish for speech-
24 language pathology aides, and who works under the direction of a
25 licensed speech-language pathologist. The qualifications for
26 licensure as a speech-language pathology aide shall be uniform
27 and shall be less than those established by this Act as necessary for
28 licensure as a speech-language pathologist.

29 (8) "Audiology aide" means a person who meets minimum
30 qualifications which the committee may establish for audiology aides,
31 and who works under the direction of a licensed audiologist. The
32 qualifications for licensure as an audiology aide shall be uniform
33 and shall be less than those established by this Act as necessary
34 for licensure as an audiologist.

35 SECTION 3. ADMINISTRATION. (a) The State Committee of

1 Examiners for Speech Pathology and Audiology is created within the
2 Texas Department of Health. The committee consists of nine members
3 appointed by the governor to take office on the effective date of
4 this Act. Members of the committee shall have been residents of
5 the State of Texas for two years immediately preceding appointment
6 and shall be representative of varying geographic regions of the
7 state and from varying employment settings. Seven members shall
8 have been engaged in rendering services, teaching, or research in
9 speech-language pathology or audiology for at least five years and
10 shall meet the qualifications for licensure under this Act. Of
11 these seven members, three members shall be audiologist, three members
12 shall be speech-language pathologists, and one member shall be either
13 a speech-language pathologist or audiologist. Except for the initial
14 appointees, all seven shall hold valid licences under this Act. Two
15 shall be public members, one of whom is a licensed physician board-
16 certified in otolaryngology or pediatrics; the remaining public
17 member, an interested citizen may not be a licensee of the committee
18 or of any board under this division. The members of the committee
19 shall serve until the expiration of the term to which they have
20 been appointed or until their successors have qualified.

21 (b) The initial appointments shall be determined by lot as
22 follows: three members are appointed for terms which expire January
23 31, 1989, and three members are appointed for terms which expire
24 January 31, 1991. After the initial appointments, members are
25 appointed for terms of six years expiring on January 31 of odd-
26 numbered years.

27 (c) The committee shall organize annually and select a chair-
28 person who, except for the initial chairperson, shall hold a valid
29 license under this Act, a vice-chairperson, and a secretary-treasurer.
30 The initial chairperson shall be one who meets the qualifications for
31 licensing under this Act.

32 (d) Five members of the committee constitute a quorum to do
33 business.

34 (e) No person may be appointed to serve more than two consecutive
35 terms.

36 (f) The committee shall hold at least one regular meeting each

1 year at which time an examination as defined in Section 12 of this
2 Act, shall be offered. Additional meetings may be held on the call
3 of the chairperson or at the written request of any three members of
4 the committee. At least 14 days advance notice of committee meetings
5 is required.

6 SECTION 4. DUTIES AND POWERS. (a) The committee shall administer,
7 coordinate, and enforce the provisions of this Act, evaluate the
8 qualifications of applicants, and provide for the examination of
9 applicants. The committee may issue subpoenas, examine witnesses, and
10 administer oaths under the state laws of Texas, and it shall investigate
11 persons engaging in practices that violate the provisions of this
12 Act, subject to the approval of the Commissioner of Health.

13 (b) The committee shall conduct hearings and keep records and
14 minutes necessary to an orderly dispatch of the administration of
15 this Act, subject to the approval of the Commissioner of Health.

16 (c) The committee shall adopt reasonable rules commensurate
17 with the provisions of this Act, including rules that establish
18 ethical standards of practice, and the committee may amend or repeal
19 the rules adopted by it, all subject to the approval of the Commissioner
20 of Health.

21 (d) A person who holds a license to practice speech-language
22 pathology or audiology in this state is governed and controlled by
23 the rules adopted by the committee and approved by the Commissioner
24 of Health.

25 (e) The conferral or enumeration of specific powers elsewhere
26 in this Act shall not be construed as a limitation of the general
27 powers conferred by this section.

28 (f) The committee shall be represented by the attorney general
29 and the district and county attorneys of this state.

30 (g) Officers and employees directly responsible for handling
31 money paid to the committee shall execute a performance bond as
32 required by the committee. The premium for the bond shall be paid
33 from committee funds.

34 (h) The committee may appoint subcommittees to work under its
35 jurisdiction, subject to the approval of the Commissioner of Health.

1 SECTION 5. COMPENSATION AND PAYMENT OF EXPENSES OF COMMITTEE.

2 (a) The committee members receive no compensation for their services,
3 but they may receive reimbursement for actual expenses incurred in
4 the administration of theis Act.

5 (b) All expenses incurred by the committee in the administration
6 of the provisions of this Act shall be paid by warrants drawn on the
7 State Treasury by the comptroller when vouchers for expenses approved
8 by the committee are submitted to the comptroller.

9 SECTION 6. EMPLOYEES OF THE COMMITTEE. The Texas Department
10 of Health shall provide such administrative and clerical employees
11 as are necessary to carry out the provisions of this Act, with such
12 employees being under the supervision and control of the committee.

13 SECTION 7. SEAL AND AUTHENTICATION OF RECORDS. The committee
14 shall adopt a seal by which it shall authenticate it proceedings.
15 Copies of the proceedings, records, and acts of the committee and
16 certificates purporting to relate the facts concerning the proceedings,
17 records, and acts, signed by the secretary-treasurer and authenticated
18 by the seal, are prima facie evidence in all courts of this state.

19 SECTION 8. LICENSING AND REGULATION OF SPEECH-LANGUAGE PATHOLOGISTS
20 AND AUDIOLOGISTS. (a) Licenses shall be granted either in speech-
21 language pathology or audiology independently. Persons may be licensed
22 in both areas if they meet the qualifications.

23 (b) No persons may practice or represent themselves as speech-
24 language pathologists or audiologists in this state after December 31,
25 1983, unless they are licensed in accordance with the provisions of
26 this Act.

27 (c) Any violation of this subsection shall constitute a deceptive
28 trade practice.

29 SECTION 9. PERSONS AND PRACTICES NOT AFFECTED. (a) This Act
30 does not prevent qualified persons licensed in this state under
31 another law from engaging in the profession for which they are licensed.

32 (b) This Act does not prevent or restrict the activities and
33 services and the use of an official title by persons holding a valid
34 and current certification in speech and hearing therapy from the
35 Texas Education Agency if those persons perform speech-language
36 pathology or audiology services solely as a part of their duties

1 within an agency, institution, or organization under the jurisdiction
2 of the Texas Education Agency. If persons affected by this subsection
3 perform work as a speech-language pathologist or audiologist apart
4 from their positions within an agency, institution, or organization
5 of the Texas Education Agency, they must have a license issued by the
6 committee, except that a person affected by this subsection may perform
7 speech and hearing screening procedures without compensation without
8 having a license issued by the committee.

9 (c) This Act does not restrict the activities and services
10 of students or interns pursuing a course of study leading to a
11 degree in speech-language pathology at a college or university
12 accredited by the Southern Association of Colleges and Universities or
13 its equivalent, provided that these activities and services constitute
14 a part of their supervised course of study or internship year, that
15 they are supervised by a person licensed under this Act, and that
16 they are designated by a title such as "Speech-Language Pathology
17 Intern" or "Speech-Language Pathology Trainee" or other title clearly
18 indicating the training status appropriate to their level of training.

19 (d) This Act does not restrict activities and services of
20 students or interns in audiology pursuing a course of study leading
21 to a degree in audiology at a college or university accredited by
22 the Southern Association of Colleges and Universities or its equivalent,
23 provided that these activities and services constitute a part of
24 their supervised course of study or internship year, that they are
25 supervised by a person licensed under this Act, and that they are
26 designated by a title such as "Audiology Intern" or "Audiology Trainee"
27 or other title clearly indicating the training status appropriate to
28 his level of training.

29 (e) This Act does not restrict the performance of speech-language
30 pathology or audiology services in this state by a person not a
31 resident of this state who is not licensed under this Act, if the
32 services are performed for no more than five days in a calendar
33 year and if the person meets the qualifications and requirements
34 for application for licensure under this Act.

1 (f) This Act does not restrict the use of an official title
2 by an individual teaching in a university or college training program,
3 provided that the person is not engaged in the practice of speech-
4 language pathology or audiology and does not supervise persons
5 engaged in the practice of speech-language pathology or audiology.

6 (g) This Act does not permit a person to perform an act that
7 would be in violation of Article 4510, Revised Civil Statutes of
8 Texas, 1925, as amended. This Act does not permit a person to
9 provide medical or surgical diagnosis or treatment of laryngeal or
10 ear disorders.

11 (h) Nothing in this Act shall be construed as restricting or
12 preventing a physician or surgeon from engaging in the practice
13 of medicine in this state. This Act does not restrict speech or
14 hearing testing or evaluation conducted by a licensed physician and
15 surgeon.

16 (i) This Act does not apply to persons employed by the Texas
17 Department of Health in its programs concerned with hearing or
18 speech services as long as they are performing duties under the
19 jurisdiction of the Texas Department of Health.

20 (j) This Act does not apply to a person who shows evidence of
21 having received training by the Texas Department of Health in one
22 of the hearing screening training programs approved by that agency,
23 provided that all activities performed under this exception shall
24 be limited to screening of hearing sensitivity.

25 (k) This Act does not license a person to sell hearing aids
26 as defined in Chapter 366, Acts of the 61st Legislature, Regular
27 Session, 1969 (Article 4566-1.01, Vernon's Texas Civil Statutes),
28 unless the person has been issued a license to engage in the selling
29 of hearing aids by the Texas Board of Examiners in the Fitting and
30 Dispensing of Hearing Aids.

31 (l) This Act does not prevent or restrict a person licensed by
32 the Texas Board of Examiners in the Fitting and Dispensing of Hearing
33 Aids from engaging in the practice of fitting and dispensing hearing
34 aids as defined in Chapter 366, Acts of the 61st Legislature, Regular
35 Session, 1969 (Article 4566-1.01, Vernon's Texas Civil Statutes).

1 (m) This Act does not prevent persons in an industrial setting
2 from engaging in hearing testing as a part of a hearing conservation
3 program in compliance with regulations of the Occupational Safety
4 and Health Administration, provided that such persons are certified
5 by an agency acceptable to the Occupational Safety and Health Admini-
6 stration.

7 (n) This Act does not prevent or restrict speech or hearing
8 sensitivity screening evaluations conducted by registered nurses
9 licensed by the laws of this state and practicing in accordance with
10 the standards of professional conduct and eithics promulgated by
11 the rules and regulations of the Board of Nurse Examiners.

12 SECTION 10. QUALIFICATION OF APPLICANTS FOR LICENSE. To be
13 eligible for licensing as a speech-language pathologist or audiologist,
14 an applicant must:

15 (1) Possess at least a master's degree with a major in speech-
16 language pathology or audiology from an accredited or approved college
17 or university;

18 (2) submit transcripts from one or more colleges or universities
19 showing successful completion of coursework, in amounts set by the
20 Board, in the following areas:

21 (a) information about normal development and use of speech,
22 language and hearing,

23 (b) information about evaluation, habilitation, and rehabilitation
24 of speech, language and hearing disorders,

25 (c) information pertaining to related fields that augment the
26 work of clinical practitioners of speech-language pathology and
27 audiology,

28 (3) have successfully completed at least 30 semester hours in
29 courses that are acceptable toward a graduate degree by the college
30 or university in which they are taken, at least 21 of which are
31 within the professional area for which the license is requested and
32 at least 6 of which are in audiology for the applicant for a speech-
33 language pathology license or in speech-language pathology for the
34 applicant for a license in audiology,

35 (4) have completed a minimum of 300 clock hours of supervised
36 clinical experience with individuals who present a variety of

1 of communication disorders, and this experience must have been
2 obtained within his or her training institution or in one of its
3 cooperating programs and under the supervision of a person holding
4 a valid license to practice speech-language pathology or audiology;

5 (5) have obtained the equivalent of nine months of full-time
6 supervised professional experience in which bona fide clinical work
7 has been accomplished in the major professional area for which the
8 license is being sought, under the supervision of a qualified person
9 acceptable to the Board and must have begun after completion of the
10 academic and clinical experience required by this section.

11 SECTION 11. APPLICATION FOR LICENSE. Each person desiring a
12 license under this Act shall make application to the committee on a
13 form and in the manner the committee prescribes. The application
14 shall be accompanied by the application fee which may not be refunded
15 by the committee.

16 SECTION 12. EXAMINATION. (a) Each applicant shall be examined
17 by the committee and shall pay to the committee, at least 30 days
18 prior to the date of examination, an examination fee prescribed by
19 the committee which is not refunded. The examination shall be given
20 at least twice each year at a time and place established by and
21 under the supervision of the committee.

22 (b) The committee may examine by written or oral examination
23 or by both. The committee shall maintain a record of all examination
24 scores for at least two years after the date of examination.

25 (c) Standards for acceptable performance shall be determined
26 by the committee.

27 (d) The committee may examine in whatever theoretical or applied
28 fields of speech-language pathology or audiology it deems appropriate.
29 It may examine the candidates with regard to their professional skills
30 and their judgment in the utilization of speech-language pathology
31 or audiology techniques or methods.

32 (e) Persons who fail the examination may be examined at a
33 subsequent time if they pay another application and examination fee.
34 No applicant who has taken and failed to pass two examinations may
35 take the examination until that person has presented evidence to

1 the committee of additional study in the area for which licensure
2 is sought.

3 (f) The committee may waive the examination for applicants who:

4 (1) present proof of current licensure in another state,
5 including the District of Columbia, or territory of the United States
6 which maintains professional standards considered by the committee to
7 be equivalent to those set forth in this Act; or

8 (2) hold the Certificate of Clinical Competence of the American
9 Speech-Language Hearing Association in the area for which a license
10 is being sought.

11 SECTION 13. LICENSING UNDER SPECIAL CONDITIONS. (a) The
12 committee, on request, must waive educational, professional experience,
13 and examination requirements for licensure in speech-language pathology
14 for applicants who hold a baccalaureate or graduate degree, are fully
15 certified by the Texas Education Agency in speech and hearing therapy
16 or in the judgment of the committee have met equivalent requirements,
17 and within two years prior to the effective date of this Act were
18 engaged in the practice of speech pathology on proof of bona fide
19 practice of speech pathology, presented to the committee in the
20 manner prescribed by the committee's rules, provided they file an
21 application for licensure with the committee or the Commissioner of
22 Health within 90 days from the effective date of this Act. Such
23 licenses shall be issued without delay and shall be renewed in the
24 same manner as licenses granted under other provisions of this Act.

25 (b) The committee, on request, shall waive educational,
26 professional experience, and examination requirements for licensure
27 in audiology for applicants who, on the effective date of this Act,
28 hold a baccalaureate or graduate degree and have successfully
29 completed 21 semester hours of course work in audiology, and are
30 engaged in the practice of audiology on proof of bona fide practice
31 of audiology presented to the committee in the manner prescribed by
32 the committee's rules, provided they file an application for licensure
33 with the committee or the Commissioner of Health within 90 days from
34 the effective date of this Act.

35 (c) The committee may waive the examination and grant licensure

1 to an applicant who presents proof of current licensure in another
2 state, including the District of Columbia, or territory of the United
3 States which maintains professional standards considered by the
4 committee to be equivalent to those set forth in this Act.

5 (d) The committee may waive the examination and grant licensure
6 to an applicant who holds the Certificate of Clinical Competence of
7 the American Speech-Language Hearing Association or has met equivalent
8 requirements in the area for which a license is sought.

9 SECTION 14. ISSUANCE OF LICENSE. (a) The committee shall issue
10 a license to an applicant who meets the requirements of this Act and
11 who pays to the committee the initial license fee.

12 (b) A temporary certificate of registration may be applied for
13 by a person who fulfills the requirements of Section 10 of this Act
14 and who has not previously applied to take the examination provided
15 under Section 12 of this Act.

16 (c) On receiving an application provided for under Subsection (b)
17 of this section accompanied by the application fee, the committee shall
18 issue a temporary certificate of registration which entitles the
19 applicant to practice audiology or speech-language pathology for
20 a period ending eight weeks after the conclusion of the next
21 examination given after the date of issue.

22 SECTION 15. RENEWAL OF LICENSE. (a) Each licensed speech-
23 language pathologist or audiologist shall annually on or before
24 January 30 pay to the committee a fee for a renewal of his license.
25 a 30-day grace period shall be allowed after January 30. After
26 expiration of the grace period, the committee may renew each license
27 after payment of a penalty set by the committee. No person who
28 applies for renewal within two years after the date of expiration of
29 the license may be required to submit to an examination as a condition
30 to renewal.

31 (b) Persons who fail to renew their license within two years
32 after the date of its expiration may not renew it, and it may not
33 be restored, reissued, or reinstated thereafter, but those persons
34 may apply for and obtain a new license if they meet the requirements
35 of this Act.

1 (c) Within three years of the effective date of this Act,
2 renewal of a license is contingent on the applicant's meeting
3 uniform continuing education requirements established by the
4 committee. These continuing education requirements must be of
5 such a nature that they can be met without necessitating an
6 extended absence from the licensee's county of residence. Notice
7 of continuing education requirements shall be sent to all persons
8 licensed under this Act at least 12 months prior to the time that
9 the person's license renewal is dependent on completion of the
10 requirements. Continuing education requirements shall be sent to
11 new applicants with the forms on which they are to apply for
12 licensure. Notification of changes in continuing education require-
13 ments shall be sent to persons licensed under this Act at least
14 one year prior to the date on which the new requirements become
15 effective.

16 (d) A suspended license is subject to expiration and may be
17 renewed as provided in this Act, but the renewal does not entitle
18 the licensee, while the license remains suspended and until it is
19 reinstated, to engage in the licensed activity or in any other
20 activity or conduct in violation of the order or judgment by which
21 the license was suspended. A license revoked on disciplinary
22 grounds is subject to expiration as provided in this Act, but it
23 may not be renewed. If it is reinstated after its expiration, the
24 licensee, as a condition of reinstatement shall pay a reinstatement
25 fee in an amount equal to the renewal fee in effect on the last
26 preceding regular renewal date before the date on which it is
27 reinstated, plus the delinquency fee, if any, accrued at the time
28 of the license revocation.

29 (e) All licenses expire and become invalid one year from the
30 date of issuance if not renewed.

31 SECTION 16. FEES. The amount of fees initially prescribed in
32 connection with a license as a speech-language pathologist or
33 audiologist shall not exceed the following:

34 (1) Application fee: \$50

35 (2) Examination fee: \$25

- 1 (3) Initial license fee: \$50
- 2 (4) License renewal fee: \$50
- 3 (5) Delinquency fee: \$25
- 4 (6) Temporary license fee: \$15
- 5 (7) Duplicate license fee: \$10

6 The committee shall adjust the amount of the fees so that the total
7 fees collected shall be sufficient to meet the expenses of adminis-
8 tering this Act and so that unnecessary surpluses in the fund
9 provided for in Section 20 of this Act are avoided.

10 SECTION 17. DENIAL, SUSPENSION, AND REVOCATION. (a) The
11 committee may refuse to issue a license to an applicant or may
12 suspend or revoke the license of any licensee for any of the following
13 causes:

14 (1) obtaining a license by means of fraud, misrepresentation,
15 or concealment of material facts;

16 (2) selling, bartering, or offering to sell or barter a license
17 or certificate of registration;

18 (3) unprofessional conduct that has endangered or is likely
19 to endanger the health, welfare, or safety of the public as defined
20 by the rules established by the committee, or violation of the code
21 of ethics adopted and published by the committee;

22 (4) violating any lawful order or rule rendered or adopted by
23 the committee; or

24 (5) violating any provisions of this Act.

25 (b) The committee shall deny an application for, or suspend
26 or revoke, or impose probationary conditions on, a license as
27 ordered by the committee in any decision made after hearing as
28 provided in this Act. One year from the date of revocation of a
29 license under this Act, application may be made to the committee for
30 reinstatement. The committee shall have discretion to accept or
31 reject an application for reinstatement and may require an examination
32 for the reinstatement.

33 (c) A plea or verdict of guilty or a conviction following a
34 plea of nolo contendere made to a charge of a felony or of an
35 offense involving moral turpitude is deemed to be a conviction
36 within the meaning of this Act. At the direction of the committee

1 the license may be suspended or revoked, or the committee may
2 decline to issue a license when the time for appeal of the
3 conviction has elapsed or the judgment or conviction has been
4 affirmed on appeal, or when an order granting probation is made
5 suspending the imposition of sentence irrespective of a subsequent
6 order allowing a person to withdraw his or her plea of guilty, or
7 setting aside the verdict of guilty, or dismissing the information
8 or indictment.

9 SECTION 18. PENALTIES. (a) A person who violates any of the
10 provisions of this Act is guilty of a misdemeanor and on conviction
11 may be punished by confinement in the county jail not exceeding six
12 months, or by a fine not exceeding \$1,000, or by both.

13 (b). If a person other than a licensed speech-language pathologist
14 or audiologist has engaged in any act or practice which constitutes
15 an offense under this Act, a district court of any county, on
16 application of the committee, may issue an injunction or other
17 appropriate order restraining such conduct.

18 SECTION 19. PROCEDURES FOR DENIAL, REVOCATION, OR SUSPENSION OF
19 A LICENSE. (a) A person whose application for a license is denied
20 is entitled to a hearing before the committee if such person submits
21 a written request to the committee.

22 (b) Proceedings for revocation or suspension of a license shall
23 be commenced by filing charges with the committee in writing and
24 under oath. The charges may be made by any person or persons.

25 (c) The chairperson of the committee shall fix a time and place
26 for a hearing and shall cause a written copy of the charges or
27 reason for denial of a license, together with a notice of the time
28 and place fixed for the hearing, to be served on the applicant
29 requesting the hearing or the licensee against whom the charges
30 have been filed at least 20 days prior to the date set for the
31 hearing. Service of charges and notice of hearing may be given by
32 certified mail to the last known address of the licensee or applicant.

33 (d) At the hearing the applicant or licensee has the right to
34 appear either personally or by counsel, or both, to produce witnesses,
35 to have subpoenas issued by the committee, and to cross-examine

1 opposing or adverse witnesses.

2 (e) The committee shall determine the charges on their merits
3 and enter an order in a permanent record setting forth the findings
4 of fact and law and the action taken. A copy of the order of the
5 committee shall be mailed to the applicant or licensee at his or
6 her last known address by certified mail.

7 (f) An individual whose application for a license has been
8 refused or whose license has been cancelled, revoked, or suspended
9 by the committee may take an appeal, within 20 days after the
10 order is entered, to any district court of Travis County or to any
11 district court of the county of his or her residence.

12 (g) A case reviewed under the provisions of this section proceeds
13 in the district court by trial de novo in the same manner as an
14 appeal to the county court from the justice of the peace court.

15 (h) In all appeals prosecuted in any of the courts of this state
16 pursuant to the provisions of this Act, such trials shall be de novo
17 as that term is used and understood in appeals from justice of the
18 peace courts to county courts. Under no circumstances shall the
19 substantial evidence rule as interpreted and applied by the courts
20 in Texas in other case ever be used or applied to appeals prosecuted
21 under the provisions of this Act.

22 SECTION 20. DISPOSITION OF FUNDS RECEIVED. (a) All funds
23 received by the committee under this Act shall be paid to the
24 secretary-treasurer of the committee. All money shall be deposited
25 in the State Treasury in a separate fund to be known as the speech-
26 language pathology and audiology fund.

27 (b) All expenses for the administration of the Act shall be paid
28 from fees collected by the committee under this Act, and fees paid
29 to the speech-language pathology and audiology fund are allocated
30 to the committee for that purpose.

31 (c) Funds shall be appropriated to the committee for the
32 implementation of this Act, said funds coming from the General
33 Revenue Fund for the first year.

34 SECTION 21. REVENUE. The committee shall report to the state

1 comptroller at the beginning of each month the amount and source of
2 all revenue received by it during the preceding month, and at that
3 time shall pay the entire amount thereof into the speech-language
4 pathology and audiology fund.

5 SECTION 22. EXEMPTIONS FROM THE BASIC SCIENCE LAW. The provisions
6 of Chapter 95. Acts of the 51st Legislature, Regular Session, 1949,
7 as amended (Article 4590c, Vernon's Texas Civil Statutes), do not
8 apply to audiologists or speech-language pathologists duly
9 qualified and licensed under this Act who confine their activity
10 to the areas specified in this Act.

11 SECTION 23. SUNSET PROVISION. Unless reenacted, the provisions
12 of this Act shall be without effect after August 31, 1993.

13 SECTION 24. EFFECTIVE DATE. This Act is effective September 1,
14 1983.

15 SECTION 25. EMERGENCY. The importance of this legislation and
16 the crowded condition of the calendars in both houses create an
17 emergency and an imperative public necessity that the constitutional
18 rule requiring bills to be read on three several days in each house
19 is suspended, and this rule is hereby suspended.

1 By: Brooks S.B. No. 813
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3 first time and referred to Committee on Health and Human Resources;
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5 Substitute; April 21, 1983, sent to printer.)

6 COMMITTEE SUBSTITUTE FOR S.B. No. 813 By: Brooks

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9 relating to the licensing and regulation of speech-language
10 pathologists and audiologists; providing penalties; and declaring
11 an emergency.

12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

13 SECTION 1. PURPOSE. It is the policy of this state that in
14 order to safeguard the public health, safety, and welfare and to
15 protect the public from unprofessional conduct by speech-language
16 pathologists and audiologists it is necessary to provide regulatory
17 authority over persons offering speech-language pathology and
18 audiology services to the public.

19 SECTION 2. DEFINITIONS. In this Act:

20 (1) "Board" means the Texas Board of Health.

21 (2) "Committee" means the State Committee of Examiners for
22 Speech-Language Pathology and Audiology.

23 (3) "Department" means the Texas Department of Health.

24 (4) "Person" means an individual, corporation, partnership,
25 or other legal entity.

26 (5) "Speech-language pathologist" means an individual who
27 practices speech-language pathology, who makes a nonmedical
28 evaluation, who examines, counsels, or provides habilitative or
29 rehabilitative services for persons who have or are suspected of
30 having speech, voice, or language disorders, and who meets the
31 qualifications set forth in this Act.

32 (6) "The practice of speech-language pathology" means the
33 application of nonmedical principles, methods, and procedures for
34 the measurement, testing, evaluation, prediction, counseling,
35 habilitation, rehabilitation, or instruction related to the
36 development and disorders of speech, voice, or language for the
37 purpose of rendering or offering to render an evaluation,
38 prevention, or modification of these disorders and conditions in
39 individuals or groups of individuals. Speech-language pathologists
40 may perform the basic audiometric screening tests and hearing
41 therapy procedures consistent with their training.

42 (7) "Audiologist" means a person who practices audiology,
43 who makes a nonmedical evaluation, who examines, counsels, or
44 provides habilitative or rehabilitative services for persons who
45 have or are suspected of having a hearing disorder, and who meets
46 the qualifications set forth in this Act.

47 (8) "The practice of audiology" means the application of
48 nonmedical principles, methods, and procedures for the measurement,
49 testing, appraisal, prediction, consultation, counseling,
50 habilitation, rehabilitation, or instruction related to hearing and
51 disorders of hearing and for the purpose of rendering or offering
52 to render services modifying communicative disorders involving
53 speech, language, auditory function, or other aberrant behavior
54 relating to hearing loss. An audiologist may engage in any tasks,
55 procedures, acts, or practices that are necessary (A) for the
56 evaluation of hearing; (B) for training in the use of amplification
57 including hearing aids; or (C) for the making of earmolds for
58 hearing aids. An audiologist may participate in consultation
59 regarding noise control and hearing conservation, may provide
60 evaluations of environment or equipment including calibration of
61 equipment used in testing auditory functioning and hearing
62 conservation, and may perform the basic speech and language
63 screening tests and procedures consistent with his or her training.

64 (9) "Speech-language pathology aide" means a person who
65 meets minimum qualifications which the committee may establish for
66 speech-language pathology aides and who works under the direction
67 of a licensed speech-language pathologist. The qualifications for
68 licensure as a speech-language pathology aide shall be uniform and

shall be less than those established by this Act as necessary for licensure as a speech-language pathologist.

(10) "Audiology aide" means a person who meets minimum qualifications which the committee may establish for audiology aides and who works under the direction of a licensed audiologist. The qualifications for licensure as an audiology aide shall be uniform and shall be less than those established by this Act as necessary for licensure as an audiologist.

SECTION 3. COMMITTEE; MEMBERSHIP. (a) The State Committee of Examiners for Speech Pathology and Audiology is created within the Texas Department of Health. The committee consists of nine members appointed by the governor to take office on the effective date of this Act. Members of the committee must have been residents of the State of Texas for two years immediately preceding appointment and must be representative of varying geographic regions of the state and from varying employment settings. Six members must have been engaged in rendering services, teaching, or research in speech-language pathology or audiology for at least five years and must meet the qualifications for licensure under this Act. Of these six members, three members shall be audiologists, three members shall be speech-language pathologists. Except for the initial appointees, all six shall hold valid licenses under this Act. Three members shall be selected from the general public. One of the three public members of the committee must be a physician licensed to practice in the State of Texas and board certified in otolaryngology or pediatrics. The two remaining public members may not:

(1) be licensed by an occupational regulatory agency in the field of health care;

(2) be employed by and participating in the management of an agency or business entity that provides health-care services or that sells, manufactures, or distributes health-care supplies or equipment;

(3) own, control, or have a direct or indirect interest in more than 10 percent of a business entity that provides health-care services or that sells, manufactures, or distributes health-care supplies or equipment; or

(4) be an officer, employee, or paid consultant of a trade association in the field of health care. A member of the committee may not be related within the second degree of affinity or consanguinity to a person who is an officer, employee, or a paid consultant of a trade association in the health-care field.

(b) An appointment to the committee shall be made without regard to the race, creed, sex, religion, or national origin of the appointee.

(c) A person who is required to register as a lobbyist under Chapter 422, Acts of the 63rd Legislature, Regular Session, 1973, as amended (Article 6252-9c, Vernon's Texas Civil Statutes), in a health-related area may not serve as a member of the board or act as the general counsel to the board.

SECTION 4. TERMS; OFFICERS; QUORUM; EXPENSES. (a) The term of initial appointees to the board shall be determined by lot as follows: three members are appointed for terms which expire August 31, 1985; three members are appointed for terms which expire August 31, 1987; and three members are appointed for terms which expire August 31, 1989. After the initial appointments, members are appointed for staggered terms of six years, with three terms beginning September 1 of each odd-numbered year. Members of the committee shall serve until the expiration of the term to which they have been appointed or until their successors have qualified. person may not be appointed to serve more than two consecutive terms.

(b) The committee shall be organized annually and select a chairperson, vice-chairperson, and a secretary-treasurer. The initial chairperson shall be a person who meets the qualifications for licensing under this Act. After September 1, 1984, the chairperson shall hold a valid license under this Act.

(c) Five members of the committee constitute a quorum to do business.

(d) The committee shall hold at least two regular meetings each year at which time an examination as defined in Section 12 of

1 this Act shall be offered. Additional meetings may be held on the
2 call of the chairperson or at the written request of any three
3 members of the committee. At least 14 days advance notice of the
4 committee meeting is required.

5 (e) Committee members receive no compensation for their
6 services; however, each member of the committee is entitled to a
7 per diem and travel allowance at the rate set by the legislature
8 for state employees in the General Appropriations Act for each day
9 that the member engages in the business of the committee.

10 SECTION 5. DUTIES AND POWERS OF THE COMMITTEE. (a) Subject
11 to the approval of the board, the committee shall adopt rules
12 necessary to administer and enforce this Act, including rules that
13 establish standards of ethical practice.

14 (b) With the assistance of the department, the committee
15 shall administer, coordinate, and enforce the provisions of this
16 Act; evaluate the qualifications of applicants; provide for the
17 examination of applicants; and issue subpoenas, examine witnesses,
18 and administer oaths under the laws of the State of Texas.

19 (c) With the assistance of the department and in accordance
20 with the Administrative Procedure and Texas Register Act, as
21 amended (Article 6252-13a, Vernon's Texas Civil Statutes), the
22 committee shall conduct hearings and keep records and minutes
23 necessary to the orderly administration of this Act.

24 (d) The committee with the aid of the department shall
25 investigate persons engaging in practices that violate the
26 provisions of this Act.

27 (e) A person who holds a license to practice speech-language
28 pathology or audiology in this state is governed and controlled by
29 the rules adopted by the committee and approved by the board of
30 health.

31 (f) The conferral or enumeration of specific powers
32 elsewhere in this Act shall not be construed as a limitation of the
33 general powers conferred by this section.

34 (g) The committee shall be represented by the attorney
35 general and the district and county attorneys of this state.

36 (h) The committee may appoint subcommittees to work under
37 its jurisdiction, subject to the approval of the board.

38 SECTION 6. EMPLOYEES OF THE COMMITTEE. The Texas Department
39 of Health shall provide such administrative and clerical employees
40 as are necessary to carry out the provisions of this Act.

41 SECTION 7. SEAL AND AUTHENTICATION OF RECORDS. The
42 committee shall adopt a seal by which it shall authenticate its
43 proceedings. Copies of the proceedings, records, and acts of the
44 committee and certificates purporting to relate the facts
45 concerning the proceedings, records, and acts, signed by the
46 secretary-treasurer and authenticated by the seal, are prima facie
47 evidence in all courts of this state.

48 SECTION 8. LICENSING AND REGULATION OF SPEECH-LANGUAGE
49 PATHOLOGISTS AND AUDIOLOGISTS. (a) Licenses shall be granted
50 either in speech-language pathology or audiology independently.
51 Persons may be licensed in both areas if they meet the
52 qualifications.

53 (b) A person may not practice or represent himself or
54 herself as a speech-language pathologist or audiologist in this
55 state after August 31, 1984, unless he or she is licensed in
56 accordance with the provisions of this Act.

57 (c) Any violation of this subsection shall constitute a
58 deceptive trade practice.

59 SECTION 9. PERSONS AND PRACTICES NOT AFFECTED. (a) This
60 Act does not prevent qualified persons licensed in this state under
61 another law from engaging in the profession for which they are
62 licensed.

63 (b) This Act does not prevent or restrict the activities and
64 services and the use of an official title by persons holding a
65 valid and current certification in speech and hearing therapy from
66 the Central Education Agency if those persons perform
67 speech-language pathology or audiology services solely as a part of
68 their duties within an agency, institution, or organization under
69 the jurisdiction of the Central Education Agency. If persons
70 affected by this subsection perform work as a speech-language

1 pathologist or audiologist apart from their positions within an
2 agency, institution, or organization of the Central Education
3 Agency, they must have a license issued by the committee, except
4 that a person affected by this subsection may perform speech and
5 hearing screening procedures without compensation without having a
6 license issued by the committee.

7 (c) This Act does not restrict the activities and services
8 of students or interns pursuing a course of study leading to a
9 degree in speech-language pathology at a college or university
10 accredited by the Southern Association of Colleges and Universities
11 or its equivalent, provided that these activities and services
12 constitute a part of their supervised course of study or internship
13 year; that after September 1, 1984, they are supervised by a person
14 licensed under this Act; and that they are designated by a title
15 such as "Speech-Language Pathology Intern" or "Speech-Language
16 Pathology Trainee" or other title clearly indicating the training
17 status appropriate to their level of training.

18 (d) This Act does not restrict activities and services of
19 students or interns in audiology pursuing a course of study leading
20 to a degree in audiology at a college or university accredited by
21 the Southern Association of Colleges and Universities or its
22 equivalent, provided that these activities and services constitute
23 a part of their supervised course of study or internship year; that
24 after September 1, 1984, they are supervised by a person licensed
25 under this Act; and that they are designated by a title such as
26 "Audiology Intern" or "Audiology Trainee" or other title clearly
27 indicating the training status appropriate to their level of
28 training.

29 (e) This Act does not restrict the performance of
30 speech-language pathology or audiology services in this state by a
31 person not a resident of this state who is not licensed under this
32 Act, if the services are performed for no more than five days in a
33 calendar year and if the person meets the qualifications and
34 requirements for application for licensure under this Act.

35 (f) This Act does not restrict the use of an official title
36 by an individual teaching in a university or college training
37 program, provided that the person is not engaged in the practice of
38 speech-language pathology or audiology and does not supervise
39 persons engaged in the practice of speech-language pathology or
40 audiology.

41 (g) This Act does not permit a person to perform an act that
42 would be in violation of the Medical Practice Act (Article 4495b,
43 Vernon's Texas Civil Statutes). This Act does not permit a person
44 to provide medical or surgical diagnosis or treatment of laryngeal
45 or ear disorders.

46 (h) Nothing in this Act shall be construed as restricting or
47 preventing a physician or surgeon from engaging in the practice of
48 medicine in this state. This Act does not restrict speech or
49 hearing testing or evaluation conducted by a licensed physician or
50 surgeon.

51 (i) This Act does not apply to persons employed by the Texas
52 Department of Health in its programs concerned with hearing or
53 speech services as long as they are performing duties under the
54 jurisdiction of the Texas Department of Health.

55 (j) This Act does not apply to a person who shows evidence
56 of having received training by the Texas Department of Health in
57 one of the hearing screening training programs approved by that
58 agency, provided that all activities performed under this exception
59 shall be limited to screening of hearing sensitivity.

60 (k) This Act does not license a person to sell hearing aids
61 as defined in Chapter 366, Acts of the 61st Legislature, Regular
62 Session, 1969 (Article 4566-1.01 et seq., Vernon's Texas Civil
63 Statutes).

64 (l) This Act does not prevent or restrict a person licensed
65 by the Texas Board of Examiners in the Fitting and Dispensing of
66 Hearing Aids from engaging in the practice of fitting and
67 dispensing hearing aids.

68 (m) This Act does not prevent persons in an industrial
69 setting from engaging in hearing testing as a part of a hearing
70 conservation program in compliance with regulations of the

Occupational Safety and Health Administration, provided that such persons are certified by an agency acceptable to the Occupational Safety and Health Administration.

(n) This Act does not prevent or restrict speech or hearing sensitivity screening evaluations conducted by registered nurses licensed by the laws of this state and practicing in accordance with the standards of professional conduct and ethics promulgated by the rules and regulations of the Board of Nurse Examiners.

(o) This Act does not prevent the use of the title "Certified Hearing Aid Audiologist" by a person so certified by the National Hearing Aid Association if the person is a licensed hearing aid dispenser and uses the title solely in connection with fitting and dispensing hearing aids and does not represent himself to be a licensed audiologist under this Act.

(p) Nothing in this Act shall be construed as restricting or preventing a licensed psychologist from engaging in the practice of psychology within the scope of the activities permitted under that license.

SECTION 10. QUALIFICATION OF APPLICANTS FOR LICENSE. To be eligible for licensing as a speech-language pathologist or audiologist, an applicant must:

(1) possess at least a master's degree with a major in speech-language pathology or audiology from an accredited or approved college or university;

(2) submit transcripts from one or more colleges or universities showing successful completion of course work in amounts set by the committee with the approval of the board in the following areas:

(A) information about normal development and use of speech, language, and hearing;

(B) information about evaluation, habilitation, and rehabilitation of speech, language, and hearing disorders; and

(C) information pertaining to related fields that augment the work of clinical practitioners of speech-language pathology and audiology;

(3) have successfully completed at least 30 semester hours in courses that are acceptable toward a graduate degree by the college or university in which they are taken, at least 21 of which are within the professional area for which the license is requested and at least six of which are in audiology for the applicant for a speech-language pathology license or in speech-language pathology for the applicant for a license in audiology;

(4) have completed a minimum of 300 clock hours of supervised clinical experience with individuals who present a variety of communication disorders, and this experience must have been obtained within his or her training institution or in one of its cooperating programs and under the supervision of a person holding a valid license to practice speech-language pathology or audiology, provided during the first year of this Act, the supervision may be under a person who would have met the qualifications for a license under this Act; and

(5) have obtained the equivalent of nine months of full-time supervised professional experience in which bona fide clinical work has been accomplished in the major professional area for which the license is being sought, under the supervision of a qualified person acceptable to the committee pursuant to guidelines approved by the board which experience must have begun after completion of the academic and clinical experience required by this section.

SECTION 11. APPLICATION FOR LICENSE. Each person desiring a license under this Act shall make application to the committee on a form and in the manner the committee prescribes. The application shall be accompanied by the application fee which may not be refunded by the committee.

SECTION 12. EXAMINATION. (a) Each applicant shall be examined by the committee and shall pay to the committee, at least 30 days prior to the date of examination, a nonrefundable examination fee prescribed by the committee. The examination shall be given at least twice each year at a time and place established by and under the supervision of the committee.

(b) The committee may examine by written or oral examination

1 or by both. The committee shall maintain a record of all
2 examination scores for at least two years after the date of
3 examination.

4 (c) Standards for acceptable performance shall be determined
5 by the committee.

6 (d) The committee may examine in whatever theoretical or
7 applied fields of speech-language pathology or audiology it deems
8 appropriate. It may examine the candidates with regard to their
9 professional skills and their judgment in the utilization of
10 speech-language pathology or audiology techniques or methods.

11 (e) Persons who fail the examination may be examined at a
12 subsequent time if they pay another nonrefundable examination fee.
13 No applicant who has taken and failed to pass two examinations may
14 take the examination until the person has submitted a new
15 application together with a nonrefundable application fee and
16 presented evidence to the committee of additional study in the area
17 for which licensure is sought.

18 (f) The committee may waive the examination for applicants
19 who:

20 (1) present proof of current licensure in another state,
21 including the District of Columbia, or territory of the United
22 States which maintains professional standards considered by the
23 committee to be equivalent to those set forth in this Act; or

24 (2) hold the Certificate of Clinical Competence of the
25 American Speech-Language Hearing Association in the area for which
26 a license is being sought.

27 SECTION 13. LICENSING UNDER SPECIAL CONDITIONS. (a) The
28 committee on request must waive educational, professional
29 experience, and examination requirements for licensure in
30 speech-language pathology for applicants who hold a baccalaureate
31 or graduate degree, are fully certified by the Central Education
32 Agency in speech and hearing therapy or in the judgment of the
33 committee have met equivalent requirements, and within two years
34 prior to the effective date of this Act were engaged in the
35 practice of speech pathology on proof of bona fide practice of
36 speech pathology, presented to the committee in the manner
37 prescribed by the committee's rules, provided they file an
38 application for licensure with the committee or the board of health
39 before August 31, 1984. Such licenses shall be issued without
40 delay and shall be renewed in the same manner as licenses granted
41 under other provisions of this Act.

42 (b) The committee on request shall waive educational,
43 professional experience, and examination requirements for licensure
44 in audiology for applicants who on the effective date of this Act
45 hold a baccalaureate or graduate degree and have successfully
46 completed 21 semester hours of course work in audiology, and are
47 engaged in the practice of audiology on proof of bona fide practice
48 of audiology presented to the committee in the manner prescribed by
49 the committee's rules, provided they file an application for
50 licensure with the committee or the department within 90 days from
51 the effective date of this Act.

52 (c) The committee may waive the examination and grant
53 licensure to an applicant who presents proof of current licensure
54 in another state, including the District of Columbia, or territory
55 of the United States which maintains professional standards
56 considered by the committee to be equivalent to those set forth in
57 this Act.

58 (d) The committee may waive the examination and grant
59 licensure to an applicant who holds the Certificate of Clinical
60 Competence of the American Speech-Language Hearing Association or
61 has met equivalent requirements in the area for which a license is
62 sought.

63 SECTION 14. ISSUANCE OF LICENSE. (a) The committee shall
64 issue a license to an applicant who meets the requirements of this
65 Act and who pays to the committee the initial nonrefundable license
66 fee.

67 (b) A temporary certificate of registration may be applied
68 for by a person who fulfills the requirements of Section 10 of this
69 Act and who has not previously applied to take the examination
70 provided under Section 12 of this Act.

(c) On receiving an application provided for under Subsection (b) of this section accompanied by the nonrefundable application fee, the committee shall issue a temporary certificate of registration which entitles the applicant to practice audiology or speech-language pathology for a period ending eight weeks after the conclusion of the next examination given after the date of issue.

(d) All licenses expire and become invalid one year from the date of issuance if not renewed.

SECTION 15. RENEWAL OF LICENSE. (a) Each licensed speech-language pathologist or audiologist shall annually pay the nonrefundable renewal fee for a renewal of his license. A 60-day grace period shall be allowed. After expiration of the grace period, the committee may renew each license after payment of a penalty set by the rules. No person who applies for renewal within two years after the date of expiration of the license may be required to submit to an examination as a condition to renewal.

(b) Persons who fail to renew their license within two years after the date of its expiration may not renew it, and it may not be restored, reissued, or reinstated thereafter, but those persons may apply for and obtain a new license if they meet the requirements of this Act.

(c) Within three years of the effective date of this Act, renewal of a license is contingent on the applicant's meeting uniform continuing education requirements established by the committee. These continuing education requirements must be of such a nature that they can be met without necessitating an extended absence from the licensee's county of residence. Notice of continuing education requirements shall be sent to all persons licensed under this Act at least 12 months prior to the time that the person's license renewal is dependent on completion of the requirements. Continuing education requirements shall be sent to new applicants with the forms on which they are to apply for licensure. Notification or changes in continuing education requirements shall be sent to persons licensed under this Act at least one year prior to the date on which the new requirements become effective.

(d) A suspended license is subject to expiration and may be renewed as provided in this Act, but the renewal does not entitle the licensee, while the license remains suspended and until it is reinstated, to engage in the licensed activity or in any other activity or conduct in violation of the order or judgment by which the license was suspended. A license revoked on disciplinary grounds is subject to expiration as provided in this Act, but it may not be renewed. If it is reinstated after its expiration, the licensee as a condition of reinstatement shall pay a reinstatement fee in an amount equal to the renewal fee in effect on the last preceding regular renewal date before the date on which it is reinstated, plus the delinquency fee, if any, accrued at the time of the license revocation.

SECTION 16. FEES. The amount of fees initially prescribed in connection with a license as a speech-language pathologist or audiologist may not exceed the following:

- (1) application fee: \$75
- (2) examination fee: \$50
- (3) initial license fee: \$75
- (4) license renewal fee: \$75
- (5) delinquency fee: \$50
- (6) temporary license fee: \$25
- (7) duplicate license fee: \$10

The committee by rule shall establish fees, and such fees shall be adjusted so that the total fees collected shall be sufficient to meet the expenses of administering this Act and so that unnecessary surpluses in the fund provided for in Section 20 of this Act are avoided.

SECTION 17. DENIAL, SUSPENSION, AND REVOCATION. (a) The committee may refuse to issue a license to an applicant or may suspend or revoke the license of any licensee for any of the following causes:

- (1) obtaining a license by means of fraud,

1 misrepresentation, or concealment of material facts;

2 (2) selling, bartering, or offering to sell or barter a
3 license or certificate of registration;

4 (3) unprofessional conduct that has endangered or is likely
5 to endanger the health, welfare, or safety of the public as defined
6 by the rules established by the committee or violation of the code
7 of ethics adopted and published by the committee;

8 (4) violating any lawful order or rule rendered or adopted
9 by the committee; or

10 (5) violating any provisions of this Act.

11 (b) The committee shall deny an application for or suspend
12 or revoke or impose probationary conditions on a license as ordered
13 by the committee in any decision made after hearing as provided in
14 this Act. One year from the date of revocation of a license under
15 this Act, application may be made to the committee for
16 reinstatement. The committee shall have discretion to accept or
17 reject an application for reinstatement and may require an
18 examination for the reinstatement.

19 (c) A plea or verdict of guilty or a conviction following a
20 plea of nolo contendere made to a charge of a felony or of an
21 offense involving moral turpitude is deemed to be a conviction
22 within the meaning of this Act. At the direction of the committee
23 the license may be suspended or revoked or the committee may
24 decline to issue a license when the time for appeal of the
25 conviction has elapsed or the judgment or conviction has been
26 affirmed on appeal, or when an order granting probation is made
27 suspending the imposition of sentence irrespective of a subsequent
28 order allowing a person to withdraw his or her plea of guilty, or
29 setting aside the verdict of guilty, or dismissing the information
30 or indictment.

31 SECTION 18. PENALTIES. (a) A person who violates any of
32 the provisions of this Act is guilty of a Class B misdemeanor and
33 on conviction may be punished by confinement in the county jail not
34 exceeding six months, by a fine not exceeding \$1,000, or by both.

35 (b) If a person other than a licensed speech-language
36 pathologist or audiologist has engaged in any act or practice which
37 constitutes an offense under this Act, a district court of any
38 county on application of the committee may issue an injunction or
39 other appropriate order restraining such conduct.

40 SECTION 19. PROCEDURES FOR DENIAL, REVOCATION, OR SUSPENSION
41 OF A LICENSE. (a) A person whose application for a license is
42 denied is entitled to a hearing before the committee if such person
43 submits a written request to the committee.

44 (b) Proceedings for revocation or suspension of a license
45 shall be commenced by filing charges with the committee in writing
46 and under oath. The charges may be made by any person or persons.

47 (c) The chairperson of the committee shall fix a time and
48 place for a hearing and shall cause a written copy of the charges
49 or reason for denial of a license, together with a notice of the
50 time and place fixed for the hearing, to be served on the applicant
51 requesting the hearing or the licensee against whom the charges
52 have been filed at least 20 days prior to the date set for the
53 hearing. Service of charges and notice of hearing may be given by
54 certified mail to the last known address of the licensee or
55 applicant.

56 (d) At the hearing the applicant or licensee has the right
57 to appear either personally or by counsel or both, to produce
58 witnesses, to have subpoenas issued by the committee, and to
59 cross-examine opposing or adverse witnesses.

60 (e) The committee shall determine the charges on their
61 merits and enter an order in a permanent record setting forth the
62 findings of fact and law and the action taken. A copy of the order
63 of the committee shall be mailed to the applicant or licensee at
64 his or her last known address by certified mail.

65 (f) An individual whose application for a license has been
66 refused or whose license has been cancelled, revoked, or suspended
67 by the committee may take an appeal, within 20 days after the order
68 is entered, to any district court of Travis County or to any

1 district court of the county of his or her residence.

2 (g) In all appeals prosecuted in any of the courts of this
3 state pursuant to the provisions of this Act, such trials shall be
4 de novo as that term is used and understood in appeals from justice
5 of the peace courts. Under no circumstances shall the substantial
6 evidence rule as interpreted and applied by the courts in Texas in
7 other cases ever be used or applied to appeals prosecuted under the
8 provisions of this Act.

9 (h) All proceedings under this Act shall conform to the
10 requirements of the Administrative Procedure and Texas Register
11 Act, as amended (Article 6252-13g, Vernon's Texas Civil Statutes),
12 except as modified by this section.

13 SECTION 20. DISPOSITION OF FUNDS RECEIVED. (a) All funds
14 received by the committee under this Act shall be deposited in
15 accordance with applicable state law in the State Treasury in a
16 separate fund to be known as the speech-language pathology and
17 audiology fund and be appropriated to the Texas Department of
18 Health solely for administration of this Act.

19 (b) After August 31, 1984, all expenses for the
20 administration of the Act shall be paid from fees collected by the
21 committee under this Act.

22 (c) There is hereby appropriated \$80,000 to the
23 speech-language pathology and audiology fund for the implementation
24 of this Act, said funds coming from the General Revenue Fund for
25 the first year provided that the first \$80,000 of application and
26 license fees shall be returned to the General Revenue Fund as they
27 are received.

28 SECTION 21. EXEMPTIONS FROM THE BASIC SCIENCE LAW. The
29 provisions of Chapter 95, Acts of the 51st Legislature, Regular
30 Session, 1949, as amended (Article 4590c, Vernon's Texas Civil
31 Statutes), do not apply to audiologists or speech-language
32 pathologists duly qualified and licensed under this Act who confine
33 their activity to the areas specified in this Act.

34 SECTION 22. SUNSET PROVISION. Unless reenacted, the
35 provisions of this Act shall be without effect after August 31,
36 1993.

37 SECTION 23. EFFECTIVE DATE. This Act is effective September
38 1, 1983.

39 SECTION 24. EMERGENCY. The importance of this legislation
40 and the crowded condition of the calendars in both houses create an
41 emergency and an imperative public necessity that the
42 constitutional rule requiring bills to be read on three several
43 days in each house be suspended, and this rule is hereby suspended.

44 * * * * *

45 Austin, Texas
46 April 21, 1983

47 Hon. William P. Hobby
48 President of the Senate

49 Sir:

50 We, your Committee on Health and Human Resources to which was
51 referred S.B. No. 813, have had the same under consideration, and
52 I am instructed to report it back to the Senate with the
53 recommendation that it do not pass, but that the Committee
54 Substitute adopted in lieu thereof do pass and be printed.

55 Parmer, Acting Chairman

BILL ANALYSIS

BY: BROOKS

S.B. 813

Background Information:

Audiologists and speech pathologists are among the few professional health care providers in Texas whose practices are not regulated by the state. Although there is a national association that issues certificates of clinical competence to individuals who meet the educational and training standards of the organization, there is currently no mechanism whereby such practitioners can be examined and licensed by the state to practice their professions. Additionally, there is no statutory procedure for revoking the certification an individual may receive from its national organization if he or she is practicing beyond the scope of his or her training or ability.

What the Bill Proposes to Do:

Establishes the State Committee of Examiners for Speech Pathology and Audiology; specifies committee membership, appointment procedures, terms of office, meetings, powers and duties; provides for examination and licensure of pathologists and audiologists; specifies persons not subject to provisions of Act; establishes maximum fees and charges; provides for disciplinary action by committee of applicants and licensees; establishes separate fund in state treasury and specifies usage of funds; requires monthly committee reports to state comptroller; establishes expiration date of committee under Sunset provision.

Section by Section Analysis:

SECTION 1. PURPOSE. Establishes that it is a public necessity to provide regulatory authority over persons offering speech-language pathology and audiology services to the public.

SECTION 2. DEFINITIONS. Provides definitions for the following terms:

- (1) "Committee"
- (2) "Person"
- (3) "Speech-language pathologist"
- (4) "The practice of speech-language pathology"
- (5) "Audiologist"
- (6) "The practice of audiology"
- (7) "Speech-language pathology aide"
- (8) "Audiology aide"

SECTION 3. ADMINISTRATION. (a) Creates the State Committee of Examiners for Speech Pathology and Audiology within the Texas Department of Health; establishes composition of committee; sets forth eligibility criteria for appointment to committee and specifies terms of office.

(b) Establishes procedure for initial appointments to committee and terms of office for such appointments.

(c) Directs committee to organize annually and select officers; establishes that each chair of the committee, except for the initial chairperson, must hold a valid license under this Act.

(d) Specifies that five committee members constitutes a quorum.

(e) Prohibits appointment to committee for more than two consecutive terms.

(f) Provides for committee meetings; requires that examination be offered at a minimum of one regular meeting of committee.

SECTION 4. DUTIES AND POWERS. Directs committee to administer, coordinate, and enforce provisions of Act; requires committee to evaluate and examine applicants; authorizes committee to issue subpoenas, examine witnesses and administer oaths; requires committee to investigate persons practicing in violation of Act upon approval of the Commissioner of Health; sets forth that person holding state

license to practice speech language or audiology is governed and controlled by committee rules; states that specific powers set forth elsewhere in Act shall not be construed as a limitation of powers conferred by this section; provides for committee to be represented by Attorney General, district and county attorneys of state; requires performance bond for officers and employees and state bond shall be paid from committee funds; permits committee to appoint subcommittees subject to approval of Commissioner of Health.

SECTION 5. COMPENSATION AND PAYMENT OF EXPENSES OF COMMITTEE. Limits compensation of committee members to reimbursement for actual expenses incurred in administering Act; sets forth that such expenses shall be paid from the state treasury.

SECTION 6. EMPLOYEES OF THE COMMITTEE. Directs Department of Health to provide necessary administrative and clerical employees and specifies that such employees are under the supervision and control of the committee.

SECTION 7. SEAL AND AUTHENTICATION OF RECORDS. Directs committee to adopt a seal; establishes that specified committee records and proceedings are prima facie evidence in all courts of state.

SECTION 8. LICENSING AND REGULATION OF SPEECH-LANGUAGE PATHOLOGISTS AND AUDIOLOGISTS. Provides for licenses for pathologists and audiologists to be granted independently; permits licensure in both professions; prohibits practice of or representation as pathologist or audiologist after December 31, 1983, unless licensed according to provisions of Act; sets forth that violation of subsection constitutes a deceptive trade practice.

SECTION 9. PERSONS AND PRACTICES NOT AFFECTED. Establishes that bill does not restrict the practice of other state-licensed professionals, the activities or services of certified speech and hearing therapists under the conditions specified, the activities and services of students or interns of speech-language pathology or audiology under the conditions specified, the use of an official title by a person teaching subject areas but not engaging in practice of pathology or audiology; sets forth

that Act does not authorize any violation of Article 4510, V.T.C.S.; establishes that Act does not authorize a person to provide medical or surgical diagnosis or treatment of laryngeal or ear disorders; sets forth that Act shall not be construed to restrict physicians or surgeons from practicing medicine or from testing or evaluating speech or hearing; sets forth that Act does not apply to employees of Department of Health while performing job duties; provides that Act shall not affect persons trained by the health department for screening of hearing sensitivity; establishes that Act does not provide licensure to sell hearing aids; sets forth that Act does not restrict persons appropriately licensed to fit and dispense hearing aids nor does it restrict hearing testing programs in industrial settings that comply with regulations of Occupational Safety and Health Administration; provides that Act shall not restrict speech and hearing screening evaluations by licensed registered nurses practicing in accordance with the rules and regulations of the Board of Nurse Examiners.

SECTION 10. QUALIFICATION OF APPLICANTS FOR LICENSE. Establishes eligibility requirements for licensure as a speech-language pathologist or as an audiologist.

SECTION 11. APPLICATION FOR LICENSE. Specifies that application for licensure be made in manner prescribed by committee and be accompanied by a non-refundable fee.

SECTION 12. EXAMINATION. Establishes procedure for examination of applicants for licensure; requires committee to maintain records of examination scores for minimum of two years after exam; directs committee to determine performance standards; prohibits applicant failing two examinations from re-taking exam until proof of additional study is provided to committee; permits committee; permits committee to waive examination of applicants as specified.

SECTION 13. LICENSING UNDER SPECIAL CONDITIONS. Specifies conditions under which the committee may waive educational, professional experience, or examination requirements for licensure.

SECTION 14. ISSUANCE OF LICENSE. Directs committee to issue licenses to applicants who meet requirements of Act and who have paid the initial licensing fee; allows application for and issuance of temporary certificate of registration; specifies extent of practice that is authorized by temporary certificate.

SECTION 15. RENEWAL OF LICENSE. Establishes procedures and requirements for license renewal; sets forth that all licenses expire and become invalid one year from date issued if not renewed.

SECTION 16. FEES. Establishes maximum fees allowed for application, examination initial license, license renewal, delinquency, temporary license, and duplicate license; directs committee to adjust fees in order to meet expenses of administering Act and to avoid unnecessary surpluses in fund provided for in Section 20 of Act.

SECTION 17. DENIAL, SUSPENSION, AND REVOCATION. Sets forth grounds for which the committee is authorized to revoke, suspend, or refuse to issue a license; provides procedure for denial of application and for application for reinstatement by committee; specifies that a plea or verdict of guilty or a conviction following a nolo contendere plea of a felony or specified offense is deemed to be a conviction within the meaning of this Act; enables committee to suspend, revoke, or refuse to issue a license in specified situations.

SECTION 18. PENALTIES. Sets forth that violation of any provision of Act is a misdemeanor and sets penalty; allows for district court of any county upon application of the committee to issue injunction or restraining order if unlicensed person is committing an offense under this Act.

SECTION 19. PROCEDURES FOR DENIAL, REVOCATION, OR SUSPENSION OF A LICENSE. Entitles person whose application is denied to hearing before the committee; establishes proceedings required for revocation or suspension of license; sets forth required procedure for committee hearing on denial of application; specifies rights of applicant or licensee at hearing; directs committee to make determination and enter

order in permanent record of its findings; directs committee to send a copy of the order by certified mail to the applicant or licensee; provides for appeal of revoked, suspended, cancelled licenses; establishes that case proceeds to district court; establishes that such trials of appeals shall be de novo and under no circumstances shall the substantial evidence rule be used or applied to appeals prosecuted under provisions of Act.

SECTION 20. DISPOSITION OF FUNDS RECEIVED. Requires all funds received under Act to be paid to committee's secretary-treasurer and to be deposited in separate fund in state treasury; provides for payment of administrative expenses from fees collected by the committee; provides for appropriation of General Revenue Funds for the first year of Act.

SECTION 21. REVENUE. Requires committee to report specified information to State Comptroller on monthly basis and to pay all revenue received in the fund specified in Section 20(a).

SECTION 22. EXEMPTIONS FROM THE BASIC SCIENCE LAW. Establishes that Article 4590C, V.T.C.S., does not apply to audiologists and speech-language pathologists licensed and acting in accordance with this Act.

SECTION 23. SUNSET PROVISION. Establishes expiration date of Act as August 31, 1993.

SECTION 24. EFFECTIVE DATE. Establishes effective date of Act as September 1, 1983.

SECTION 25. EMERGENCY. Emergency clause.

Rulemaking Authority:

It is the committee's opinion that rulemaking authority is granted to the State Committee of Examiners for Speech-Language Pathology and Audiology in SECTION 4(c) and Section 12(c) of this bill.

Fiscal Impact:

The fiscal implications of this bill were considered in the development of the fiscal note by the Legislative Budget Board.

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE

March 23, 1983

Honorable Chet Brooks, Chairman
Committee on Health and Human Resources
Senate Chamber
Austin, Texas

In Re: Senate Bill No. 813
By: Brooks

Sir:

In response to your request for a Fiscal Note on Senate Bill No. 813 (relating to the licensing and regulation of speech-language pathologists and audiologists) this office has determined the following:

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.


The bill would create the State Committee of Examiners for Speech Pathology and Audiology within the Texas Department of Health. Maximum fees for licensure and other services are set out in the bill, and would be deposited in a special fund in the treasury. All expenses for administration of the bill would be paid out of the special fund, except that for the first year funds could be appropriated from the General Revenue Fund. Approximately 2,000 persons are expected to seek licensure under the provisions of the bill.

The probable fiscal implication of implementing the provisions of the bill during each of the first five years following passage is estimated as follows:

Fiscal Year	Probable Cost Out of the General Revenue Fund	Probable Cost out of the Speech-Language Pathology and Audiology Fund	Change in Number of State employees from FY 1983
1984	\$ 67,916	\$ -0-	+ 2
1985	-0-	61,057	+ 2
1986	-0-	61,057	+ 2
1987	-0-	61,057	+ 2
1988	-0-	61,057	+ 2

Similar annual costs would continue as long as the provisions of the bill are in effect.

No fiscal implication to units of local government is anticipated.


Jim Oliver
Director

By Brooks

S.B. 813

Substitute the following for S.B. 813:

By Brooks

C.S.S.B. 813

A BILL TO BE ENTITLED

AN ACT
*providing for hearings and judicial review;
making an appropriation;
enforcement procedures and*
relating to the licensing and regulation of speech-language pathologists
and audiologists; providing penalties; and declaring an emergency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. PURPOSE. It is the policy of this state that in order to safeguard the public health, safety, and welfare and to protect the public from unprofessional conduct by speech-language pathologists and audiologists, it is necessary to provide regulatory authority over persons offering speech-language pathology and audiology services to the public.

SECTION 2. DEFINITIONS. In this Act:

- (1) "Board" means the Texas Board of Health.
- (2) "Committee" means the State Committee of Examiners for Speech-Language Pathology and Audiology.
- (3) "Department" means the Texas Department of Health.
- (4) "Person" means an individual, corporation, partnership, or other legal entity.
- (5) "Speech-language pathologist" means an individual who practices speech-language pathology, who makes a nonmedical evaluation, who examines, counsels, or provides habilitative or rehabilitative services for persons who have or are suspected of having speech, voice, or language disorders, and who meets the qualifications set forth in this Act. ^{1/2}
- (6) "The practice of speech-language pathology" means the application of nonmedical principles, methods, and procedures for the measurement, testing, evaluation, prediction, counseling, habilitation, rehabilitation, or instruction related to the development and disorders of speech, voice, or language for the purpose of rendering or offering to render an evaluation, prevention, or modification of these disorders and conditions in individuals or groups of individuals. Speech-language pathologists may perform the basic audiometric screening tests and hearing therapy procedures consistent with their training.
- (7) "Audiologist" means a person who practices audiology, who makes a

nonmedical evaluation, who examines, counsels, or provides habilitative or rehabilitative services for persons who have or are suspected of having a hearing disorder, and who meets the qualifications set forth in this Act.

(8) "The practice of audiology" means the application of nonmedical principles, methods, and procedures for the measurement, testing, appraisal, prediction, consultation, counseling, habilitation, rehabilitation, or instruction related to hearing and disorders of hearing and for the purpose of rendering or offering to render services modifying communicative disorders involving speech, language, auditory function, or other aberrant behavior relating to hearing loss. An audiologist may engage in any tasks, procedures, acts, or practices that are necessary (A) for the evaluation of hearing; (B) for training in the use of amplification including hearing aids; or (C) for the making of earmolds for²¹³ hearing aids. An audiologist may participate in consultation regarding noise control and hearing conservation, may provide evaluations of environment or equipment including calibration of equipment used in testing auditory functioning and hearing conservation, and may perform the basic speech and language screening tests and procedures consistent with his or her training.

(9) "Speech-language pathology aide" means a person who meets minimum qualifications which the committee may establish for speech-language pathology aides⁶ and who works under the direction of a licensed speech-language pathologist. The qualifications for licensure as a speech-language pathology aide shall be uniform and¹² shall be less than those established by this Act as necessary for licensure as a speech-language pathologist.

(10) "Audiology aide" means a person who meets minimum qualifications which the committee may establish for audiology aides⁶ and who works under the direction of a licensed audiologist. The qualifications for licensure as an audiology aide shall be uniform and shall be less than those established by this Act as necessary for licensure as an audiologist.

SECTION 3. COMMITTEE; MEMBERSHIP. (a) The State Committee of Examiners for Speech Pathology and Audiology is created within the Texas Department of Health. The committee consists of nine members appointed by the governor to take office on the effective date of this Act. Members of the committee must have been residents of the State of Texas for two years immediately preceding appointment and must be representative of varying

geographic regions of the state and from varying employment settings. Six members must have been engaged in rendering services, teaching, or research in speech-language pathology or audiology for at least five years and must meet the qualifications for licensure under this Act. Of these six members, three members shall be audiologists, three members shall be speech-language pathologists. Except for the initial appointees, all six shall hold valid licenses under this Act. Three members shall be selected from the general public. One of the three public members of the committee must be a physician licensed to practice in the State of Texas and board certified in otolaryngology or pediatrics. The two remaining public members may not be:

(1) be licensed by an occupational regulatory agency in the field of health care;

(2) be employed by and participating in the management of an agency or business entity that provides health-care services or that sells, manufactures, or distributes health-care supplies or equipment;

(3) own, control, or have a direct or indirect interest in more than 10 percent of a business entity that provides health-care services or that sells, manufactures, or distributes health-care supplies or equipment; or

(4) be an officer, employee, or paid consultant of a trade association in the field of health care. A member of the committee may not be related within the second degree of affinity or consanguinity to a person who is an officer, employee, or a paid consultant of a trade association in the health-care field.

(b) An appointment to the committee shall be made without regard to the race, creed, sex, religion, or national origin of the appointee.

(c) A person who is required to register as a lobbyist under Chapter 422, Acts of the 63rd Legislature, Regular Session, 1973, ^{as amended} (Article 6252-9c, Vernon's Texas Civil Statutes), in a health-related area may not serve as a member of the board or act as the general counsel to the board.

SECTION 4. TERMS; OFFICERS; QUORUM; EXPENSES. (a) The term of initial appointees to the board shall be determined by lot as follows: three members are appointed for terms which expire August 31, 1985; three members are appointed for terms which expire August 31, 1987; and three members are appointed for terms which expire August 31, 1989. After the

initial appointments, members are appointed for staggered terms of six years, with three terms beginning September 1 of each odd-numbered year. Members of the committee shall serve until the expiration of the term to which they have been appointed or until their successors have qualified. A person may not be appointed to serve more than two consecutive terms.

(b) The committee shall be organized annually and select a chairperson, vice-chairperson, and a secretary-treasurer. The initial chairperson shall be a person who meets the qualifications for licensing under this Act. After September 1, 1984, the chairperson shall hold a valid license under this Act. 5/6

(c) Five members of the committee constitute a quorum to do business.

(d) The committee shall hold at least two regular meetings each year at which time an examination as defined in Section 12 of this Act shall be offered. Additional meetings may be held on the call of the chairperson or at the written request of any three members of the committee. At least 14 days³ advance notice of the committee meeting is required.

(e) Committee members receive no compensation for their services; however, each member of the committee is entitled to a per diem and travel allowance at the rate set by the legislature for state employees in the General Appropriations Act for each day that the member engages in the business of the committee.

SECTION 5. DUTIES AND POWERS OF THE COMMITTEE. (a) Subject to the approval of the board, the committee shall adopt rules necessary to administer and enforce this Act, including rules that establish standards of ethical practice.

(b) With the assistance of the department, the committee shall administer, coordinate, and enforce the provisions of this Act; evaluate the qualifications of applicants; provide for the examination of applicants; and issue subpoenas, examine witnesses, ^{and} administer oaths under the laws of the State of Texas.

(c) With the assistance of the department and in accordance with the Administrative Procedures and Texas Register Act, ^{as amended} (Article 6252-13a, Vernon's Texas Civil Statutes), ^{the committee} shall conduct hearings and keep records and minutes ^{6/11} necessary to the orderly administration of this Act.

(d) The committee with the aid of the department shall investigate persons engaging in practices that violate the provisions of this Act.

(e) A person who holds a license to practice speech-language pathology or audiology in this state is governed and controlled by the rules adopted by the committee and approved by the ~~Board of~~ Health.

(f) The conferral or enumeration of specific powers elsewhere in this Act shall not be construed as a limitation of the general powers conferred by this section.

(g) The committee shall be represented by the attorney general and the district and county attorneys of this state.

(h) The committee may appoint subcommittees to work under its jurisdiction, subject to the approval of the board.

SECTION 6. EMPLOYEES OF THE COMMITTEE. The Texas Department of Health shall provide such administrative and clerical employees as are necessary to carry out the provisions of this Act.

SECTION 7. SEAL AND AUTHENTICATION OF RECORDS. The committee shall adopt a seal by which it shall authenticate its proceedings. Copies of the proceedings, records, and acts of the committee and certificates purporting to relate the facts concerning the proceedings, records, and acts, signed by the secretary-treasurer and authenticated by the seal, are prima facie evidence in all courts of this state.

SECTION 8. LICENSING AND REGULATION OF SPEECH-LANGUAGE ⁷/₈ PATHOLOGISTS AND AUDIOLOGISTS. (a) Licenses shall be granted either in speech-language pathology or audiology independently. Persons may be licensed in both areas if they meet the qualifications.

(b) A person may not practice or represent himself or herself as a speech-language pathologist or audiologist in this state after August 31, 1984, unless he or she is licensed in accordance with the provisions of this Act.

(c) Any violation of this subsection shall constitute a deceptive trade practice.

SECTION 9. PERSONS AND PRACTICES NOT AFFECTED. (a) This Act does not prevent qualified persons licensed in this state under another law from engaging in the profession for which they are licensed.

(b) This Act does not prevent or restrict the activities and services and the use of an official title by persons holding a valid and current certification in speech and hearing therapy from the ~~Texas~~ ^{Central} Education Agency

if those persons perform speech-language pathology or audiology services solely as a part of their duties within an agency, institution, or organization under the jurisdiction of the ~~Texas~~ ^{Central} Education Agency. If persons affected by this subsection perform work as a speech-language pathologist or audiologist apart from their positions within an agency, institution, or organization of the ~~Texas~~ ^{Central} Education Agency, they must have a license issued by the committee, except that a person affected by this subsection may perform speech and hearing screening procedures without compensation without having a license issued by the committee.

(c) This Act does not restrict the activities and services of students or interns pursuing a course of study leading to a degree in speech-language pathology at a college or university accredited by the Southern Association of Colleges and Universities or its equivalent, provided that these activities and services constitute a part of their supervised course of study or internship year; that after September 1, 1984, they are supervised by a person licensed under this Act; and that they are designated by a title such as "Speech-Language Pathology Intern" or "Speech-Language Pathology Trainee" or other title clearly indicating the training status appropriate to their level of training.

(d) This Act does not restrict activities and services of students or interns in audiology pursuing a course of study leading to a degree in audiology at a college or university accredited by the Southern Association of Colleges and Universities or its equivalent, provided that these activities and services constitute a part of their supervised course of study or internship year; that after September 1, 1984, they are supervised by a person licensed under this Act; and that they are designated by a title such as "Audiology Intern" or "Audiology Trainee" or other title clearly indicating the training status appropriate to ~~his~~ ^{their} level of training.

(e) This Act does not restrict the performance of speech-language pathology or audiology services in this state by a ^{9/10} person not a resident of this state who is not licensed under this Act, if the services are performed for no more than five days in a calendar year and if the person meets the qualifications and requirements for application for licensure under this Act.

(f) This Act does not restrict the use of an official title by an individual teaching in a university or college training program, provided

that the person is not engaged in the practice of speech-language pathology or audiology and does not supervise persons engaged in the practice of speech-language pathology or audiology.

(g) This Act does not permit a person to perform an act that would be in violation of the Medical Practice Act (Article 4495b, Vernon's Texas Civil Statutes). This Act does not permit a person to provide medical or surgical diagnosis or treatment of laryngeal or ear disorders.

(h) Nothing in this Act shall be construed as restricting or preventing a physician or surgeon from engaging in the practice of medicine in this state. This Act does not restrict speech or hearing testing or evaluation conducted by a licensed physician or surgeon.

(i) This Act does not apply to persons employed by the Texas Department of Health in its programs concerned with hearing or speech services as long as they are performing duties under the jurisdiction of the Texas Department of Health.

(j) This Act does not apply to a person who shows evidence of having received training by the Texas Department of Health in ¹⁰one of the hearing screening training programs approved by that agency, provided that all activities performed under this exception shall be limited to screening of hearing sensitivity.

(k) This Act does not license a person to sell hearing aids as defined in Chapter 366, Acts of the 61st Legislature, Regular Session, 1969, *as amended* (Article 4566-1.01 et seq., Vernon's Texas Civil Statutes).

(l) This Act does not prevent or restrict a person licensed by the Texas Board of Examiners in the Fitting and Dispensing of Hearing Aids from engaging in the practice of fitting and dispensing hearing aids.

(m) This Act does not prevent persons in an industrial setting from engaging in hearing testing as a part of a hearing conservation program in compliance with regulations of the Occupational Safety and Health Administration, provided that such persons are certified by an agency acceptable to the Occupational Safety and Health Administration.

(n) This Act does not prevent or restrict speech or hearing sensitivity screening evaluations conducted by registered nurses licensed by the laws of this state and practicing in accordance with the standards of professional conduct and ethics promulgated by the rules and regulations of the Board of Nurse Examiners.

(o) This Act does not prevent the use of the title "certified hearing aid audiologist" by a person so certified by the National Hearing Aid Association if the person is a licensed hearing aid dispenser and uses the title solely in connection with fitting and dispensing hearing aids and does not represent himself to be a licensed audiologist under this Act.

(p) Nothing in this Act shall be construed as restricting or preventing a licensed psychologist from engaging in the practice of psychology within the scope of the activities permitted under that license.

SECTION 10. QUALIFICATION OF APPLICANTS FOR LICENSE. To be eligible for licensing as a speech-language pathologist or audiologist, an applicant must:

(1) Possess at least a master's degree with a major in speech-language pathology or audiology from an accredited or approved college or university;

(2) submit transcripts from one or more colleges or universities showing successful completion of coursework in amounts set by the committee with the approval of the board in the following areas:

(A) information about normal development and use of speech, language, and hearing;

(B) information about evaluation, habilitation, and rehabilitation of speech, language, and hearing disorders; and

(C) information pertaining to related fields that augment the work of clinical practitioners of speech-language pathology and audiology;

(3) have successfully completed at least 30 semester hours in courses that are acceptable toward a graduate degree by the college or university in which they are taken, at least 21 of which are within the professional area for which the license is requested and at least 6 of which are in audiology for the applicant for a speech-language pathology license or in speech-language pathology for the applicant for a license in audiology;

(4) have completed a minimum of 300 clock hours of supervised clinical experience with individuals who present a variety of communication disorders, and this experience must have been obtained within his or her training institution or in one of its cooperating programs and under the supervision of a person holding a valid license to practice speech-language pathology or audiology, provided during the first year of this Act, the supervision may be under a person who would have met the qualifications for a license under this Act; and

(5) have obtained the equivalent of nine months of full-time

supervised professional experience in which bona fide clinical work has been accomplished in the major professional area for which the license is being sought, under the supervision of a qualified person acceptable to the Committee pursuant to guidelines approved by the Board which experience must have begun after completion of the academic and clinical experience required by this section.

SECTION 11. APPLICATION FOR LICENSE. Each person desiring a license under this Act shall make application to the committee on a form and in the manner the committee prescribes. The application shall be accompanied by the application fee which may not be refunded by the committee.

SECTION 12. EXAMINATION. (a) Each applicant shall be ^{9/14} examined by the committee and shall pay to the committee, at least 30 days prior to the date of examination, a non~~refundable~~ examination fee prescribed by the Committee. The examination shall be given at least twice each year at a time and place established by and under the supervision of the committee.

(b) The committee may examine by written or oral examination ^{5/2} or by both. The committee shall maintain a record of all examination scores for at least two years after the date of examination.

(c) Standards for acceptable performance shall be determined by the committee.

(d) The committee may examine in whatever theoretical or applied fields of speech-language pathology or audiology it deems appropriate. It may examine the candidates with regard to their professional skills and their judgment in the utilization of speech-language pathology or audiology techniques or methods.

(e) Persons who fail the examination may be examined at a subsequent time if they pay another non~~refundable~~ examination fee. No applicant who has taken and failed to pass two examinations may take the examination until the person has submitted a new application together with a non~~refundable~~ application fee and presented evidence to the committee of additional study in the area for which licensure is sought.

(f) The committee may waive the examination for applicants who:

(1) present proof of current licensure in another state, ^{4/16} including the District of Columbia, or territory of the United States which maintains professional standards considered by the committee to be equivalent to those set forth in this Act; or

(2) hold the Certificate of Clinical Competence of the American Speech-Language Hearing Association in the area for which a license is

being sought.

SECTION 13. LICENSING UNDER SPECIAL CONDITIONS. (a) The committee on request ^{Central} must waive educational, professional experience, and examination requirements for licensure in speech-language pathology for applicants who hold a baccalaureate or graduate degree, are fully certified by the ~~Texas~~ Education Agency in speech and hearing therapy or in the judgment of the committee have met equivalent requirements, and within two years prior to the effective date of this Act were engaged in the practice of speech pathology on proof of bona fide practice of speech pathology, presented to the committee in the manner prescribed by the committee's rules, provided they file an application for licensure with the committee or the ~~Board of Health~~ before August 31, 1984. Such licenses shall be issued without delay and shall be renewed in the same manner as licenses granted under other provisions of this Act.

(b) The committee on request shall waive educational, professional experience, and examination requirements for licensure in audiology for applicants who on the effective date of this Act hold a baccalaureate or graduate degree and have successfully completed 21 semester hours of course work in audiology, and are ^{spe} engaged in the practice of audiology on proof of bona fide practice of audiology presented to the committee in the manner prescribed by the committee's rules, provided they file an application for licensure with the committee or the department within 90 days from the effective date of this Act.

(c) The committee may waive the examination and grant licensure to an applicant who presents proof of current licensure in another state, including the District of Columbia, or territory of the United States which maintains professional standards considered by the committee to be equivalent to those set forth in this Act.

(d) The committee may waive the examination and grant licensure to an applicant who holds the Certificate of Clinical Competence of the American Speech-Language Hearing Association or has met equivalent requirements in the area for which a license is sought.

SECTION 14. ISSUANCE OF LICENSE. (a) The committee shall issue a license to an applicant who meets the requirements of this Act and who pays to the committee the initial non-refundable license fee.

(b) A temporary certificate of registration may be applied for by a

person who fulfills the requirements of Section 10 of this Act and who has not previously applied to take the examination provided under Section 12 of this Act.

(c) On receiving an application provided for under Subsection (b) of this section accompanied by the non^{10/17}refundable application fee, the committee shall issue a temporary certificate of registration which entitles the applicant to practice audiology or speech-language pathology for a period ending eight weeks after the conclusion of the next examination given after the date of issue.

(d) All licenses expire and become invalid one year from the date of issuance if not renewed.

SECTION 15. RENEWAL OF LICENSE. (a) Each licensed speech-language pathologist or audiologist shall annually pay the non^{10/17}refundable renewal fee for a renewal of his license. A 60-day grace period shall be allowed. After expiration of the grace period, the committee may renew each license after payment of a penalty set by the rules. No person who applies for renewal within two years after the date of expiration of the license may be required to submit to an examination as a condition to renewal.

(b) Persons who fail to renew their license within two years after the date of its expiration may not renew it, and it may not be restored, reissued, or reinstated thereafter, but those persons may apply for and obtain a new license if they meet the requirements of this Act.

(c) Within three years of the effective date of this Act, renewal of a license is contingent on the applicant's meeting uniform continuing education requirements established by the committee. These continuing education requirements must be of such a nature that they can be met without necessitating an extended absence from the licensee's county of residence. Notice of^{10/16} continuing education requirements shall be sent to all persons licensed under this Act at least 12 months prior to the time that the person's license renewal is dependent on completion of the requirements. Continuing education requirements shall be sent to new applicants with the forms on which they are to apply for licensure. Notification or changes in continuing education requirements shall be sent to persons licensed under this Act at least one year prior to the date on which the new requirements become effective.

(d) A suspended license is subject to expiration and may be renewed

as provided in this Act, but the renewal does not entitle the licensee, while the license remains suspended and until it is reinstated, to engage in the licensed activity or in any other activity or conduct in violation of the order or judgment by which the license was suspended. A license revoked on disciplinary grounds is subject to expiration as provided in this Act, but it may not be renewed. If it is reinstated after its expiration, the licensee, as a condition of reinstatement shall pay a reinstatement fee in an amount equal to the renewal fee in effect on the last preceding regular renewal date before the date on which it is reinstated, plus the delinquency fee, if any, accrued at the time of the license revocation.

SECTION 16. FEES. The amount of fees initially prescribed in connection with a license as a speech-language pathologist or audiologist may not exceed the following:

- (1) Application fee: \$75 ^{16/4}
- (2) Examination fee: \$50
- (3) Initial license fee: \$75
- (4) License renewal fee: \$75
- (5) Delinquency fee: \$50
- (6) Temporary license fee: \$25
- (7) Duplicate license fee: \$10

The committee by rule shall establish fees, and such fees shall be adjusted so that the total fees collected shall be sufficient to meet the expenses of administering this Act and so that unnecessary surpluses in the fund provided for in Section 20 of this Act are avoided.

SECTION 17. DENIAL, SUSPENSION, AND REVOCATION. (a) The committee may refuse to issue a license to an applicant or may suspend or revoke the license of any licensee for any of the following causes:

- (1) obtaining a license by means of fraud, misrepresentation, or concealment of material facts;
- (2) selling, bartering, or offering to sell or barter a license or certificate of registration;
- (3) unprofessional conduct that has endangered or is likely to endanger the health, welfare, or safety of the public as defined by the rules established by the committee, or violation of the code of ethics adopted and published by the committee;

(4) violating any lawful order or rule rendered or adopted by the committee; or

(5) violating any provisions of this Act. 19/20

(b) The committee shall deny an application for ~~b~~ or suspend or revoke ~~b~~ or impose probationary conditions on ~~b~~ a license as ordered by the committee in any decision made after hearing as provided in this Act. One year from the date of revocation of a license under this Act, application may be made to the committee for reinstatement. The committee shall have discretion to accept or reject an application for reinstatement and may require an examination for the reinstatement.

(c) A plea or verdict of guilty or a conviction following a plea of nolo contendere made to a charge of a felony or of an offense involving moral turpitude is deemed to be a conviction within the meaning of this Act. At the direction of the committee the license may be suspended or revoked or the committee may decline to issue a license when the time for appeal of the conviction has elapsed or the judgment or conviction has been affirmed on appeal, or when an order granting probation is made suspending the imposition of sentence irrespective of a subsequent order allowing a person to withdraw his or her plea of guilty, or setting aside the verdict of guilty, or dismissing the information or indictment.

SECTION 18. PENALTIES. (a) A person who violates any of the provisions of this Act is guilty of a ~~class~~ class B misdemeanor and on conviction may be punished by confinement in the county jail not exceeding six months, ~~or~~ by a fine not exceeding \$1,000, or by both.

(b) If a person other than a licensed speech-language pathologist or audiologist has engaged in any act or practice which ²⁰ constitutes an offense under this Act, a district court of any county ²¹ on application of the committee ~~b~~ may issue an injunction or other appropriate order restraining such conduct.

SECTION 19. PROCEDURES FOR DENIAL, REVOCATION, OR SUSPENSION OF A LICENSE. (a) A person whose application for a license is denied is entitled to a hearing before the committee if such person submits a written request to the committee.

(b) Proceedings for revocation or suspension of a license shall be commenced by filing charges with the committee in writing and under oath. The charges may be made by any person or persons.

(c) The chairperson of the committee shall fix a time and place for a hearing and shall cause a written copy of the charges or reason for denial of a license, together with a notice of the time and place fixed for the hearing, to be served on the applicant requesting the hearing or the licensee against whom the charges have been filed at least 20 days prior to the date set for the hearing. Service of charges and notice of hearing may be given by certified mail to the last known address of the licensee or applicant.

(d) At the hearing the applicant or licensee has the right to appear either personally or by counsel¹⁰ or both, to produce witnesses, to have subpoenas issued by the committee, and to cross-examine opposing or adverse witnesses.

(e) The committee shall determine the charges on their merits and enter an order in a permanent record setting forth the findings of fact and law and the action taken. A copy of the order¹¹ of the committee shall be mailed to the applicant or licensee at his or her last known address by certified mail.

(f) An individual whose application for a license has been refused or whose license has been cancelled, revoked, or suspended by the committee may take an appeal, within 20 days after the order is entered, to any district court of Travis County or to any district court of the county of his or her residence.

(g) In all appeals prosecuted in any of the courts of this state pursuant to the provisions of this Act, such trials shall be de novo as that term is used and understood in appeals from justice of the peace courts. Under no circumstances shall the substantial evidence rule as interpreted and applied by the courts in Texas in other cases ever be used or applied to appeals prosecuted under the provisions of this Act.

(h) All proceedings under this Act shall conform to the requirements of the Administrative Procedure and Texas Register Act¹² (Article 6252-13g, Vernon's Texas Civil Statutes), except as modified by this section.

SECTION 20. DISPOSITION OF FUNDS RECEIVED. (a) All funds received by the committee under this Act shall be deposited in accordance with applicable State law in the State Treasury in a separate fund to be known as the speech-language pathology and audiology fund and be appropriated to the Texas Department of Health solely for administration of this Act.

(b) After August 31, 1984, all expenses for the administration of the Act shall be paid from fees collected by the committee under this Act.

(c) There is hereby appropriated \$80,000.00¹³ to the speech-language

pathology and audiology fund for the implementation of this Act, said funds coming from the General Revenue Fund for the first year provided that the first \$80,000.00 of application and license fees shall be returned to the general revenue fund as they are received.

SECTION 21. EXEMPTIONS FROM THE BASIC SCIENCE LAW. The provisions of Chapter 95, Acts of the 51st Legislature, Regular Session, 1949, as amended (Article 4590c, Vernon's Texas Civil Statutes), do not apply to audiologists or speech-language pathologists duly qualified and licensed under this Act who confine their activity to the areas specified in this Act.

SECTION 22. SUNSET PROVISION. Unless reenacted, the provisions of this Act shall be without effect after August 31, 1993.

SECTION 23. EFFECTIVE DATE. This Act is effective September 1, 1983.

SECTION 24. EMERGENCY. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house ^{be} ~~is~~ suspended, and this rule is hereby suspended.

May 9 1983 Engrossed
Patsy Spaw
Engrossing Clerk

MAY 12 AM 9:32

HOUSE OF REPRESENTATIVES

I certify that the attached is a true and correct
copy of _____ which was
received from the Senate on MAY 9 1983 and
referred to the Committee on State Affairs

Brooks Hury
Chief Clerk of the House

By: Brooks
(Hury)

S.B. No. 813

A BILL TO BE ENTITLED

AN ACT

relating to the licensing and regulation of speech-language pathologists and audiologists; providing for hearings and judicial review; making an appropriation; providing enforcement procedures and penalties; and declaring an emergency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. PURPOSE. It is the policy of this state that in order to safeguard the public health, safety, and welfare and to protect the public from unprofessional conduct by speech-language pathologists and audiologists it is necessary to provide regulatory authority over persons offering speech-language pathology and audiology services to the public.

SECTION 2. DEFINITIONS. In this Act:

(1) "Board" means the Texas Board of Health.

(2) "Committee" means the State Committee of Examiners for Speech-Language Pathology and Audiology.

(3) "Department" means the Texas Department of Health.

(4) "Person" means an individual, corporation, partnership, or other legal entity.

(5) "Speech-language pathologist" means an individual who practices speech-language pathology, who makes a nonmedical evaluation, who examines, counsels, or provides habilitative or rehabilitative services for persons who have or are suspected of having speech, voice, or language disorders, and who meets the qualifications set forth in this Act.

1 (6) "The practice of speech-language pathology" means the
2 application of nonmedical principles, methods, and procedures for
3 the measurement, testing, evaluation, prediction, counseling,
4 habilitation, rehabilitation, or instruction related to the
5 development and disorders of speech, voice, or language for the
6 purpose of rendering or offering to render an evaluation,
7 prevention, or modification of these disorders and conditions in
8 individuals or groups of individuals. Speech-language pathologists
9 may perform the basic audiometric screening tests and hearing
10 therapy procedures consistent with their training.

11 (7) "Audiologist" means a person who practices audiology,
12 who makes a nonmedical evaluation, who examines, counsels, or
13 provides habilitative or rehabilitative services for persons who
14 have or are suspected of having a hearing disorder, and who meets
15 the qualifications set forth in this Act.

16 (8) "The practice of audiology" means the application of
17 nonmedical principles, methods, and procedures for the measurement,
18 testing, appraisal, prediction, consultation, counseling,
19 habilitation, rehabilitation, or instruction related to hearing and
20 disorders of hearing and for the purpose of rendering or offering
21 to render services modifying communicative disorders involving
22 speech, language, auditory function, or other aberrant behavior
23 relating to hearing loss. An audiologist may engage in any tasks,
24 procedures, acts, or practices that are necessary (A) for the
25 evaluation of hearing; (B) for training in the use of amplification
26 including hearing aids; or (C) for the making of earmolds for

1 hearing aids. An audiologist may participate in consultation
2 regarding noise control and hearing conservation, may provide
3 evaluations of environment or equipment including calibration of
4 equipment used in testing auditory functioning and hearing
5 conservation, and may perform the basic speech and language
6 screening tests and procedures consistent with his or her training.

7 (9) "Speech-language pathology aide" means a person who
8 meets minimum qualifications which the committee may establish for
9 speech-language pathology aides and who works under the direction
10 of a licensed speech-language pathologist. The qualifications for
11 licensure as a speech-language pathology aide shall be uniform and
12 shall be less than those established by this Act as necessary for
13 licensure as a speech-language pathologist.

14 (10) "Audiology aide" means a person who meets minimum
15 qualifications which the committee may establish for audiology
16 aides and who works under the direction of a licensed audiologist.
17 The qualifications for licensure as an audiology aide shall be
18 uniform and shall be less than those established by this Act as
19 necessary for licensure as an audiologist.

20 SECTION 3. COMMITTEE; MEMBERSHIP. (a) The State Committee
21 of Examiners for Speech Pathology and Audiology is created within
22 the Texas Department of Health. The committee consists of nine
23 members appointed by the governor to take office on the effective
24 date of this Act. Members of the committee must have been
25 residents of the State of Texas for two years immediately preceding
26 appointment and must be representative of varying geographic

regions of the state and from varying employment settings. Six members must have been engaged in rendering services, teaching, or research in speech-language pathology or audiology for at least five years and must meet the qualifications for licensure under this Act. Of these six members, three members shall be audiologists, three members shall be speech-language pathologists. Except for the initial appointees, all six shall hold valid licenses under this Act. Three members shall be selected from the general public. One of the three public members of the committee must be a physician licensed to practice in the State of Texas and board certified in otolaryngology or pediatrics. The two remaining public members may not:

(1) be licensed by an occupational regulatory agency in the field of health care;

(2) be employed by and participating in the management of an agency or business entity that provides health-care services or that sells, manufactures, or distributes health-care supplies or equipment;

(3) own, control, or have a direct or indirect interest in more than 10 percent of a business entity that provides health-care services or that sells, manufactures, or distributes health-care supplies or equipment; or

(4) be an officer, employee, or paid consultant of a trade association in the field of health care. A member of the committee may not be related within the second degree of affinity or consanguinity to a person who is an officer, employee, or a paid

1 consultant of a trade association in the health-care field.

2 (b) An appointment to the committee shall be made without
3 regard to the race, creed, sex, religion, or national origin of the
4 appointee.

5 (c) A person who is required to register as a lobbyist under
6 Chapter 422, Acts of the 63rd Legislature, Regular Session, 1973,
7 as amended (Article 6252-9c, Vernon's Texas Civil Statutes), in a
8 health-related area may not serve as a member of the board or act
9 as the general counsel to the board.

10 SECTION 4. TERMS; OFFICERS; QUORUM; EXPENSES. (a) The term
11 of initial appointees to the board shall be determined by lot as
12 follows: three members are appointed for terms which expire August
13 31, 1985; three members are appointed for terms which expire August
14 31, 1987; and three members are appointed for terms which expire
15 August 31, 1989. After the initial appointments, members are
16 appointed for staggered terms of six years, with three terms
17 beginning September 1 of each odd-numbered year. Members of the
18 committee shall serve until the expiration of the term to which
19 they have been appointed or until their successors have qualified.
20 A person may not be appointed to serve more than two consecutive
21 terms.

22 (b) The committee shall be organized annually and select a
23 chairperson, vice-chairperson, and a secretary-treasurer. The
24 initial chairperson shall be a person who meets the qualifications
25 for licensing under this Act. After September 1, 1984, the
26 chairperson shall hold a valid license under this Act.

1 (c) Five members of the committee constitute a quorum to do
2 business.

3 (d) The committee shall hold at least two regular meetings
4 each year at which time an examination as defined in Section 12 of
5 this Act shall be offered. Additional meetings may be held on the
6 call of the chairperson or at the written request of any three
7 members of the committee. At least 14 days' advance notice of the
8 committee meeting is required.

9 (e) Committee members receive no compensation for their
10 services; however, each member of the committee is entitled to a
11 per diem and travel allowance at the rate set by the legislature
12 for state employees in the General Appropriations Act for each day
13 that the member engages in the business of the committee.

14 SECTION 5. DUTIES AND POWERS OF THE COMMITTEE. (a) Subject
15 to the approval of the board, the committee shall adopt rules
16 necessary to administer and enforce this Act, including rules that
17 establish standards of ethical practice.

18 (b) With the assistance of the department, the committee
19 shall administer, coordinate, and enforce the provisions of this
20 Act; evaluate the qualifications of applicants; provide for the
21 examination of applicants; and issue subpoenas, examine witnesses,
22 and administer oaths under the laws of the State of Texas.

23 (c) With the assistance of the department and in accordance
24 with the Administrative Procedure and Texas Register Act, as
25 amended (Article 6252-13a, Vernon's Texas Civil Statutes), the
26 committee shall conduct hearings and keep records and minutes

1 necessary to the orderly administration of this Act.

2 (d) The committee with the aid of the department shall
3 investigate persons engaging in practices that violate the
4 provisions of this Act.

5 (e) A person who holds a license to practice speech-language
6 pathology or audiology in this state is governed and controlled by
7 the rules adopted by the committee and approved by the board of
8 health.

9 (f) The conferral or enumeration of specific powers
10 elsewhere in this Act shall not be construed as a limitation of the
11 general powers conferred by this section.

12 (g) The committee shall be represented by the attorney
13 general and the district and county attorneys of this state.

14 (h) The committee may appoint subcommittees to work under
15 its jurisdiction, subject to the approval of the board.

16 SECTION 6. EMPLOYEES OF THE COMMITTEE. The Texas Department
17 of Health shall provide such administrative and clerical employees
18 as are necessary to carry out the provisions of this Act.

19 SECTION 7. SEAL AND AUTHENTICATION OF RECORDS. The
20 committee shall adopt a seal by which it shall authenticate its
21 proceedings. Copies of the proceedings, records, and acts of the
22 committee and certificates purporting to relate the facts
23 concerning the proceedings, records, and acts, signed by the
24 secretary-treasurer and authenticated by the seal, are prima facie
25 evidence in all courts of this state.

26 . SECTION 8. LICENSING AND REGULATION OF SPEECH-LANGUAGE

1 PATHOLOGISTS AND AUDIOLOGISTS. (a) Licenses shall be granted
2 either in speech-language pathology or audiology independently.
3 Persons may be licensed in both areas if they meet the
4 qualifications.

5 (b) A person may not practice or represent himself or
6 herself as a speech-language pathologist or audiologist in this
7 state after August 31, 1984, unless he or she is licensed in
8 accordance with the provisions of this Act.

9 (c) Any violation of this subsection shall constitute a
10 deceptive trade practice.

11 SECTION 9. PERSONS AND PRACTICES NOT AFFECTED. (a) This
12 Act does not prevent qualified persons licensed in this state under
13 another law from engaging in the profession for which they are
14 licensed.

15 (b) This Act does not prevent or restrict the activities and
16 services and the use of an official title by persons holding a
17 valid and current certification in speech and hearing therapy from
18 the Central Education Agency if those persons perform
19 speech-language pathology or audiology services solely as a part of
20 their duties within an agency, institution, or organization under
21 the jurisdiction of the Central Education Agency. If persons
22 affected by this subsection perform work as a speech-language
23 pathologist or audiologist apart from their positions within an
24 agency, institution, or organization of the Central Education
25 Agency, they must have a license issued by the committee, except
26 that a person affected by this subsection may perform speech and

1 hearing screening procedures without compensation without having a
2 license issued by the committee.

3 (c) This Act does not restrict the activities and services
4 of students or interns pursuing a course of study leading to a
5 degree in speech-language pathology at a college or university
6 accredited by the Southern Association of Colleges and Universities
7 or its equivalent, provided that these activities and services
8 constitute a part of their supervised course of study or internship
9 year; that after September 1, 1984, they are supervised by a person
10 licensed under this Act; and that they are designated by a title
11 such as "Speech-Language Pathology Intern" or "Speech-Language
12 Pathology Trainee" or other title clearly indicating the training
13 status appropriate to their level of training.

14 (d) This Act does not restrict activities and services of
15 students or interns in audiology pursuing a course of study leading
16 to a degree in audiology at a college or university accredited by
17 the Southern Association of Colleges and Universities or its
18 equivalent, provided that these activities and services constitute
19 a part of their supervised course of study or internship year; that
20 after September 1, 1984, they are supervised by a person licensed
21 under this Act; and that they are designated by a title such as
22 "Audiology Intern" or "Audiology Trainee" or other title clearly
23 indicating the training status appropriate to their level of
24 training.

25 (e) This Act does not restrict the performance of
26 speech-language pathology or audiology services in this state by a

1 person not a resident of this state who is not licensed under this
2 Act, if the services are performed for no more than five days in a
3 calendar year and if the person meets the qualifications and
4 requirements for application for licensure under this Act.

5 (f) This Act does not restrict the use of an official title
6 by an individual teaching in a university or college training
7 program, provided that the person is not engaged in the practice of
8 speech-language pathology or audiology and does not supervise
9 persons engaged in the practice of speech-language pathology or
10 audiology.

11 (g) This Act does not permit a person to perform an act that
12 would be in violation of the Medical Practice Act (Article 4495b,
13 Vernon's Texas Civil Statutes). This Act does not permit a person
14 to provide medical or surgical diagnosis or treatment of laryngeal
15 or ear disorders.

16 (h) Nothing in this Act shall be construed as restricting or
17 preventing a physician or surgeon from engaging in the practice of
18 medicine in this state. This Act does not restrict speech or
19 hearing testing or evaluation conducted by a licensed physician or
20 surgeon.

21 (i) This Act does not apply to persons employed by the Texas
22 Department of Health in its programs concerned with hearing or
23 speech services as long as they are performing duties under the
24 jurisdiction of the Texas Department of Health.

25 (j) This Act does not apply to a person who shows evidence
26 of having received training by the Texas Department of Health in

1 one of the hearing screening training programs approved by that
2 agency, provided that all activities performed under this exception
3 shall be limited to screening of hearing sensitivity.

4 (k) This Act does not license a person to sell hearing aids
5 as defined in Chapter 366, Acts of the 61st Legislature, Regular
6 Session, 1969, as amended (Article 4566-1.01 et seq., Vernon's
7 Texas Civil Statutes).

8 (l) This Act does not prevent or restrict a person licensed
9 by the Texas Board of Examiners in the Fitting and Dispensing of
10 Hearing Aids from engaging in the practice of fitting and
11 dispensing hearing aids.

12 (m) This Act does not prevent persons in an industrial
13 setting from engaging in hearing testing as a part of a hearing
14 conservation program in compliance with regulations of the
15 Occupational Safety and Health Administration, provided that such
16 persons are certified by an agency acceptable to the Occupational
17 Safety and Health Administration.

18 (n) This Act does not prevent or restrict speech or hearing
19 sensitivity screening evaluations conducted by registered nurses
20 licensed by the laws of this state and practicing in accordance
21 with the standards of professional conduct and ethics promulgated
22 by the rules and regulations of the Board of Nurse Examiners.

23 (o) This Act does not prevent the use of the title
24 "Certified Hearing Aid Audiologist" by a person so certified by the
25 National Hearing Aid Association if the person is a licensed
26 hearing aid dispenser and uses the title solely in connection with

1 fitting and dispensing hearing aids and does not represent himself
2 to be a licensed audiologist under this Act.

3 (p) Nothing in this Act shall be construed as restricting or
4 preventing a licensed psychologist from engaging in the practice of
5 psychology within the scope of the activities permitted under that
6 license.

7 SECTION 10. QUALIFICATION OF APPLICANTS FOR LICENSE. To be
8 eligible for licensing as a speech-language pathologist or
9 audiologist, an applicant must:

10 (1) possess at least a master's degree with a major in
11 speech-language pathology or audiology from an accredited or
12 approved college or university;

13 (2) submit transcripts from one or more colleges or
14 universities showing successful completion of course work in
15 amounts set by the committee with the approval of the board in the
16 following areas:

17 (A) information about normal development and use of speech,
18 language, and hearing;

19 (B) information about evaluation, habilitation, and
20 rehabilitation of speech, language, and hearing disorders; and

21 (C) information pertaining to related fields that augment
22 the work of clinical practitioners of speech-language pathology and
23 audiology;

24 (3) have successfully completed at least 30 semester hours
25 in courses that are acceptable toward a graduate degree by the
26 college or university in which they are taken, at least 21 of which

1 are within the professional area for which the license is requested
2 and at least six of which are in audiology for the applicant for a
3 speech-language pathology license or in speech-language pathology
4 for the applicant for a license in audiology;

5 (4) have completed a minimum of 300 clock hours of
6 supervised clinical experience with individuals who present a
7 variety of communication disorders, and this experience must have
8 been obtained within his or her training institution or in one of
9 its cooperating programs and under the supervision of a person
10 holding a valid license to practice speech-language pathology or
11 audiology, provided during the first year of this Act, the
12 supervision may be under a person who would have met the
13 qualifications for a license under this Act; and

14 (5) have obtained the equivalent of nine months of full-time
15 supervised professional experience in which bona fide clinical work
16 has been accomplished in the major professional area for which the
17 license is being sought, under the supervision of a qualified
18 person acceptable to the committee pursuant to guidelines approved
19 by the board which experience must have begun after completion of
20 the academic and clinical experience required by this section.

21 SECTION 11. APPLICATION FOR LICENSE. Each person desiring a
22 license under this Act shall make application to the committee on a
23 form and in the manner the committee prescribes. The application
24 shall be accompanied by the application fee which may not be
25 refunded by the committee.

26 SECTION 12. EXAMINATION. (a) Each applicant shall be

1 examined by the committee and shall pay to the committee, at least
2 30 days prior to the date of examination, a nonrefundable
3 examination fee prescribed by the committee. The examination shall
4 be given at least twice each year at a time and place established
5 by and under the supervision of the committee.

6 (b) The committee may examine by written or oral examination
7 or by both. The committee shall maintain a record of all
8 examination scores for at least two years after the date of
9 examination.

10 (c) Standards for acceptable performance shall be determined
11 by the committee.

12 (d) The committee may examine in whatever theoretical or
13 applied fields of speech-language pathology or audiology it deems
14 appropriate. It may examine the candidates with regard to their
15 professional skills and their judgment in the utilization of
16 speech-language pathology or audiology techniques or methods.

17 (e) Persons who fail the examination may be examined at a
18 subsequent time if they pay another nonrefundable examination fee.
19 No applicant who has taken and failed to pass two examinations may
20 take the examination until the person has submitted a new
21 application together with a nonrefundable application fee and
22 presented evidence to the committee of additional study in the area
23 for which licensure is sought.

24 (f) The committee may waive the examination for applicants
25 who:

26 (1) present proof of current licensure in another state,

1 including the District of Columbia, or territory of the United
2 States which maintains professional standards considered by the
3 committee to be equivalent to those set forth in this Act; or

4 (2) hold the Certificate of Clinical Competence of the
5 American Speech-Language Hearing Association in the area for which
6 a license is being sought.

7 SECTION 13. LICENSING UNDER SPECIAL CONDITIONS. (a) The
8 committee on request must waive educational, professional
9 experience, and examination requirements for licensure in
10 speech-language pathology for applicants who hold a baccalaureate
11 or graduate degree, are fully certified by the Central Education
12 Agency in speech and hearing therapy or in the judgment of the
13 committee have met equivalent requirements, and within two years
14 prior to the effective date of this Act were engaged in the
15 practice of speech pathology on proof of bona fide practice of
16 speech pathology, presented to the committee in the manner
17 prescribed by the committee's rules, provided they file an
18 application for licensure with the committee or the board of health
19 before August 31, 1984. Such licenses shall be issued without
20 delay and shall be renewed in the same manner as licenses granted
21 under other provisions of this Act.

22 (b) The committee on request shall waive educational,
23 professional experience, and examination requirements for licensure
24 in audiology for applicants who on the effective date of this Act
25 hold a baccalaureate or graduate degree and have successfully
26 completed 21 semester hours of course work in audiology, and are

1 engaged in the practice of audiology on proof of bona fide practice
2 of audiology presented to the committee in the manner prescribed by
3 the committee's rules, provided they file an application for
4 licensure with the committee or the department within 90 days from
5 the effective date of this Act.

6 (c) The committee may waive the examination and grant
7 licensure to an applicant who presents proof of current licensure
8 in another state, including the District of Columbia, or territory
9 of the United States which maintains professional standards
10 considered by the committee to be equivalent to those set forth in
11 this Act.

12 (d) The committee may waive the examination and grant
13 licensure to an applicant who holds the Certificate of Clinical
14 Competence of the American Speech-Language Hearing Association or
15 has met equivalent requirements in the area for which a license is
16 sought.

17 SECTION 14. ISSUANCE OF LICENSE. (a) The committee shall
18 issue a license to an applicant who meets the requirements of this
19 Act and who pays to the committee the initial nonrefundable license
20 fee.

21 (b) A temporary certificate of registration may be applied
22 for by a person who fulfills the requirements of Section 10 of this
23 Act and who has not previously applied to take the examination
24 provided under Section 12 of this Act.

25 (c) On receiving an application provided for under
26 Subsection (b) of this section accompanied by the nonrefundable

1 application fee, the committee shall issue a temporary certificate
2 of registration which entitles the applicant to practice audiology
3 or speech-language pathology for a period ending eight weeks after
4 the conclusion of the next examination given after the date of
5 issue.

6 (d) All licenses expire and become invalid one year from the
7 date of issuance if not renewed.

8 SECTION 15. RENEWAL OF LICENSE. (a) Each licensed
9 speech-language pathologist or audiologist shall annually pay the
10 nonrefundable renewal fee for a renewal of his license. A 60-day
11 grace period shall be allowed. After expiration of the grace
12 period, the committee may renew each license after payment of a
13 penalty set by the rules. No person who applies for renewal within
14 two years after the date of expiration of the license may be
15 required to submit to an examination as a condition to renewal.

16 (b) Persons who fail to renew their license within two years
17 after the date of its expiration may not renew it, and it may not
18 be restored, reissued, or reinstated thereafter, but those persons
19 may apply for and obtain a new license if they meet the
20 requirements of this Act.

21 (c) Within three years of the effective date of this Act,
22 renewal of a license is contingent on the applicant's meeting
23 uniform continuing education requirements established by the
24 committee. These continuing education requirements must be of such
25 a nature that they can be met without necessitating an extended
26 absence from the licensee's county of residence. Notice of

1 continuing education requirements shall be sent to all persons
2 licensed under this Act at least 12 months prior to the time that
3 the person's license renewal is dependent on completion of the
4 requirements. Continuing education requirements shall be sent to
5 new applicants with the forms on which they are to apply for
6 licensure. Notification or changes in continuing education
7 requirements shall be sent to persons licensed under this Act at
8 least one year prior to the date on which the new requirements
9 become effective.

10 (d) A suspended license is subject to expiration and may be
11 renewed as provided in this Act, but the renewal does not entitle
12 the licensee, while the license remains suspended and until it is
13 reinstated, to engage in the licensed activity or in any other
14 activity or conduct in violation of the order or judgment by which
15 the license was suspended. A license revoked on disciplinary
16 grounds is subject to expiration as provided in this Act, but it
17 may not be renewed. If it is reinstated after its expiration, the
18 licensee as a condition of reinstatement shall pay a reinstatement
19 fee in an amount equal to the renewal fee in effect on the last
20 preceding regular renewal date before the date on which it is
21 reinstated, plus the delinquency fee, if any, accrued at the time
22 of the license revocation.

23 SECTION 16. FEES. The amount of fees initially prescribed
24 in connection with a license as a speech-language pathologist or
25 audiologist may not exceed the following:

26 (1) application fee: \$75

- (2) examination fee: \$50
- (3) initial license fee: \$75
- (4) license renewal fee: \$75
- (5) delinquency fee: \$50
- (6) temporary license fee: \$25
- (7) duplicate license fee: \$10

The committee by rule shall establish fees, and such fees shall be adjusted so that the total fees collected shall be sufficient to meet the expenses of administering this Act and so that unnecessary surpluses in the fund provided for in Section 20 of this Act are avoided.

SECTION 17. DENIAL, SUSPENSION, AND REVOCATION. (a) The committee may refuse to issue a license to an applicant or may suspend or revoke the license of any licensee for any of the following causes:

- (1) obtaining a license by means of fraud, misrepresentation, or concealment of material facts;
- (2) selling, bartering, or offering to sell or barter a license or certificate of registration;
- (3) unprofessional conduct that has endangered or is likely to endanger the health, welfare, or safety of the public as defined by the rules established by the committee or violation of the code of ethics adopted and published by the committee;
- (4) violating any lawful order or rule rendered or adopted by the committee; or
- (5) violating any provisions of this Act.

(b) The committee shall deny an application for or suspend or revoke or impose probationary conditions on a license as ordered by the committee in any decision made after hearing as provided in this Act. One year from the date of revocation of a license under this Act, application may be made to the committee for reinstatement. The committee shall have discretion to accept or reject an application for reinstatement and may require an examination for the reinstatement.

(c) A plea or verdict of guilty or a conviction following a plea of nolo contendere made to a charge of a felony or of an offense involving moral turpitude is deemed to be a conviction within the meaning of this Act. At the direction of the committee the license may be suspended or revoked or the committee may decline to issue a license when the time for appeal of the conviction has elapsed or the judgment or conviction has been affirmed on appeal, or when an order granting probation is made suspending the imposition of sentence irrespective of a subsequent order allowing a person to withdraw his or her plea of guilty, or setting aside the verdict of guilty, or dismissing the information or indictment.

SECTION 18. PENALTIES. (a) A person who violates any of the provisions of this Act is guilty of a Class B misdemeanor and on conviction may be punished by confinement in the county jail not exceeding six months, by a fine not exceeding \$1,000, or by both.

(b) If a person other than a licensed speech-language pathologist or audiologist has engaged in any act or practice which

1 constitutes an offense under this Act, a district court of any
2 county on application of the committee may issue an injunction or
3 other appropriate order restraining such conduct.

4 SECTION 19. PROCEDURES FOR DENIAL, REVOCATION, OR SUSPENSION
5 OF A LICENSE. (a) A person whose application for a license is
6 denied is entitled to a hearing before the committee if such person
7 submits a written request to the committee.

8 (b) Proceedings for revocation or suspension of a license
9 shall be commenced by filing charges with the committee in writing
10 and under oath. The charges may be made by any person or persons.

11 (c) The chairperson of the committee shall fix a time and
12 place for a hearing and shall cause a written copy of the charges
13 or reason for denial of a license, together with a notice of the
14 time and place fixed for the hearing, to be served on the applicant
15 requesting the hearing or the licensee against whom the charges
16 have been filed at least 20 days prior to the date set for the
17 hearing. Service of charges and notice of hearing may be given by
18 certified mail to the last known address of the licensee or
19 applicant.

20 (d) At the hearing the applicant or licensee has the right
21 to appear either personally or by counsel or both, to produce
22 witnesses, to have subpoenas issued by the committee, and to
23 cross-examine opposing or adverse witnesses.

24 (e) The committee shall determine the charges on their
25 merits and enter an order in a permanent record setting forth the
26 findings of fact and law and the action taken. A copy of the order

1 of the committee shall be mailed to the applicant or licensee at
2 his or her last known address by certified mail.

3 (f) An individual whose application for a license has been
4 refused or whose license has been cancelled, revoked, or suspended
5 by the committee may take an appeal, within 20 days after the order
6 is entered, to any district court of Travis County or to any
7 district court of the county of his or her residence.

8 (g) In all appeals prosecuted in any of the courts of this
9 state pursuant to the provisions of this Act, such trials shall be
10 de novo as that term is used and understood in appeals from justice
11 of the peace courts. Under no circumstances shall the substantial
12 evidence rule as interpreted and applied by the courts in Texas in
13 other cases ever be used or applied to appeals prosecuted under the
14 provisions of this Act.

15 (h) All proceedings under this Act shall conform to the
16 requirements of the Administrative Procedure and Texas Register
17 Act, as amended (Article 6252-13g, Vernon's Texas Civil Statutes),
18 except as modified by this section.

19 SECTION 20. DISPOSITION OF FUNDS RECEIVED. (a) All funds
20 received by the committee under this Act shall be deposited in
21 accordance with applicable state law in the State Treasury in a
22 separate fund to be known as the speech-language pathology and
23 audiology fund and be appropriated to the Texas Department of
24 Health solely for administration of this Act.

25 (b) After August 31, 1984, all expenses for the
26 administration of the Act shall be paid from fees collected by the

1 committee under this Act.

2 (c) There is hereby appropriated \$80,000 to the
3 speech-language pathology and audiology fund for the implementation
4 of this Act, said funds coming from the General Revenue Fund for
5 the first year provided that the first \$80,000 of application and
6 license fees shall be returned to the General Revenue Fund as they
7 are received.

8 SECTION 21. EXEMPTIONS FROM THE BASIC SCIENCE LAW. The
9 provisions of Chapter 95, Acts of the 51st Legislature, Regular
10 Session, 1949, as amended (Article 4590c, Vernon's Texas Civil
11 Statutes), do not apply to audiologists or speech-language
12 pathologists duly qualified and licensed under this Act who confine
13 their activity to the areas specified in this Act.

14 SECTION 22. SUNSET PROVISION. Unless reenacted, the
15 provisions of this Act shall be without effect after August 31,
16 1993.

17 SECTION 23. EFFECTIVE DATE. This Act is effective September
18 1, 1983.

19 SECTION 24. EMERGENCY. The importance of this legislation
20 and the crowded condition of the calendars in both houses create an
21 emergency and an imperative public necessity that the
22 constitutional rule requiring bills to be read on three several
23 days in each house be suspended, and this rule is hereby suspended.

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE

March 23, 1983

Honorable Chet Brooks, Chairman
Committee on Health and Human Resources
Senate Chamber
Austin, Texas

In Re: Senate Bill No. 813
By: Brooks

Sir:

In response to your request for a Fiscal Note on Senate Bill No. 813 (relating to the licensing and regulation of speech-language pathologists and audiologists) this office has determined the following:

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

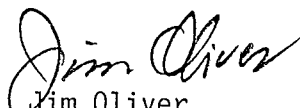
The bill would create the State Committee of Examiners for Speech Pathology and Audiology within the Texas Department of Health. Maximum fees for licensure and other services are set out in the bill, and would be deposited in a special fund in the treasury. All expenses for administration of the bill would be paid out of the special fund, except that for the first year funds could be appropriated from the General Revenue Fund. Approximately 2,000 persons are expected to seek licensure under the provisions of the bill.

The probable fiscal implication of implementing the provisions of the bill during each of the first five years following passage is estimated as follows:

<u>Fiscal Year</u>	<u>Probable Cost Out of the General Revenue Fund</u>	<u>Probable Cost out of the Speech-Language Pathology and Audiology Fund</u>	<u>Change in Number of State employees from FY 1983</u>
1984	\$ 67,916	\$ -0-	+ 2
1985	-0-	61,057	+ 2
1986	-0-	61,057	+ 2
1987	-0-	61,057	+ 2
1988	-0-	61,057	+ 2

Similar annual costs would continue as long as the provisions of the bill are in effect.

No fiscal implication to units of local government is anticipated.


Jim Oliver
Director

Source: Department of Health: LBB Staff: JO, JH, GR, eb

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HOUSE COMMITTEE REPORT

1st Printing

By: Brooks
(Hury)

S.B. No. 813

A BILL TO BE ENTITLED

AN ACT

relating to the licensing and regulation of speech-language pathologists and audiologists; providing for hearings and judicial review; making an appropriation; providing enforcement procedures and penalties; and declaring an emergency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. PURPOSE. It is the policy of this state that in order to safeguard the public health, safety, and welfare and to protect the public from unprofessional conduct by speech-language pathologists and audiologists it is necessary to provide regulatory authority over persons offering speech-language pathology and audiology services to the public.

SECTION 2. DEFINITIONS. In this Act:

(1) "Board" means the Texas Board of Health.

(2) "Committee" means the State Committee of Examiners for Speech-Language Pathology and Audiology.

(3) "Department" means the Texas Department of Health.

(4) "Person" means an individual, corporation, partnership, or other legal entity.

(5) "Speech-language pathologist" means an individual who practices speech-language pathology, who makes a nonmedical evaluation, who examines, counsels, or provides habilitative or rehabilitative services for persons who have or are suspected of having speech, voice, or language disorders, and who meets the qualifications set forth in this Act.

1 (6) "The practice of speech-language pathology" means the
2 application of nonmedical principles, methods, and procedures for
3 the measurement, testing, evaluation, prediction, counseling,
4 habilitation, rehabilitation, or instruction related to the
5 development and disorders of speech, voice, or language for the
6 purpose of rendering or offering to render an evaluation,
7 prevention, or modification of these disorders and conditions in
8 individuals or groups of individuals. Speech-language pathologists
9 may perform the basic audiometric screening tests and hearing
10 therapy procedures consistent with their training.

11 (7) "Audiologist" means a person who practices audiology,
12 who makes a nonmedical evaluation, who examines, counsels, or
13 provides habilitative or rehabilitative services for persons who
14 have or are suspected of having a hearing disorder, and who meets
15 the qualifications set forth in this Act.

16 (8) "The practice of audiology" means the application of
17 nonmedical principles, methods, and procedures for the measurement,
18 testing, appraisal, prediction, consultation, counseling,
19 habilitation, rehabilitation, or instruction related to hearing and
20 disorders of hearing and for the purpose of rendering or offering
21 to render services modifying communicative disorders involving
22 speech, language, auditory function, or other aberrant behavior
23 relating to hearing loss. An audiologist may engage in any tasks,
24 procedures, acts, or practices that are necessary (A) for the
25 evaluation of hearing; (B) for training in the use of amplification
26 including hearing aids; or (C) for the making of earmolds for

1 hearing aids. An audiologist may participate in consultation
2 regarding noise control and hearing conservation, may provide
3 evaluations of environment or equipment including calibration of
4 equipment used in testing auditory functioning and hearing
5 conservation, and may perform the basic speech and language
6 screening tests and procedures consistent with his or her training.

7 (9) "Speech-language pathology aide" means a person who
8 meets minimum qualifications which the committee may establish for
9 speech-language pathology aides and who works under the direction
10 of a licensed speech-language pathologist. The qualifications for
11 licensure as a speech-language pathology aide shall be uniform and
12 shall be less than those established by this Act as necessary for
13 licensure as a speech-language pathologist.

14 (10) "Audiology aide" means a person who meets minimum
15 qualifications which the committee may establish for audiology
16 aides and who works under the direction of a licensed audiologist.
17 The qualifications for licensure as an audiology aide shall be
18 uniform and shall be less than those established by this Act as
19 necessary for licensure as an audiologist.

20 SECTION 3. COMMITTEE; MEMBERSHIP. (a) The State Committee
21 of Examiners for Speech Pathology and Audiology is created within
22 the Texas Department of Health. The committee consists of nine
23 members appointed by the governor to take office on the effective
24 date of this Act. Members of the committee must have been
25 residents of the State of Texas for two years immediately preceding
26 appointment and must be representative of varying geographic

regions of the state and from varying employment settings. Six members must have been engaged in rendering services, teaching, or research in speech-language pathology or audiology for at least five years and must meet the qualifications for licensure under this Act. Of these six members, three members shall be audiologists, three members shall be speech-language pathologists. Except for the initial appointees, all six shall hold valid licenses under this Act. Three members shall be selected from the general public. One of the three public members of the committee must be a physician licensed to practice in the State of Texas and board certified in otolaryngology or pediatrics. The two remaining public members may not:

(1) be licensed by an occupational regulatory agency in the field of health care;

(2) be employed by and participating in the management of an agency or business entity that provides health-care services or that sells, manufactures, or distributes health-care supplies or equipment;

(3) own, control, or have a direct or indirect interest in more than 10 percent of a business entity that provides health-care services or that sells, manufactures, or distributes health-care supplies or equipment; or

(4) be an officer, employee, or paid consultant of a trade association in the field of health care. A member of the committee may not be related within the second degree of affinity or consanguinity to a person who is an officer, employee, or a paid

1 consultant of a trade association in the health-care field.

2 (b) An appointment to the committee shall be made without
3 regard to the race, creed, sex, religion, or national origin of the
4 appointee.

5 (c) A person who is required to register as a lobbyist under
6 Chapter 422, Acts of the 63rd Legislature, Regular Session, 1973,
7 as amended (Article 6252-9c, Vernon's Texas Civil Statutes), in a
8 health-related area may not serve as a member of the board or act
9 as the general counsel to the board.

10 SECTION 4. TERMS; OFFICERS; QUORUM; EXPENSES. (a) The term
11 of initial appointees to the board shall be determined by lot as
12 follows: three members are appointed for terms which expire August
13 31, 1985; three members are appointed for terms which expire August
14 31, 1987; and three members are appointed for terms which expire
15 August 31, 1989. After the initial appointments, members are
16 appointed for staggered terms of six years, with three terms
17 beginning September 1 of each odd-numbered year. Members of the
18 committee shall serve until the expiration of the term to which
19 they have been appointed or until their successors have qualified.
20 A person may not be appointed to serve more than two consecutive
21 terms.

22 (b) The committee shall be organized annually and select a
23 chairperson, vice-chairperson, and a secretary-treasurer. The
24 initial chairperson shall be a person who meets the qualifications
25 for licensing under this Act. After September 1, 1984, the
26 chairperson shall hold a valid license under this Act.

1 (c) Five members of the committee constitute a quorum to do
2 business.

3 (d) The committee shall hold at least two regular meetings
4 each year at which time an examination as defined in Section 12 of
5 this Act shall be offered. Additional meetings may be held on the
6 call of the chairperson or at the written request of any three
7 members of the committee. At least 14 days' advance notice of the
8 committee meeting is required.

9 (e) Committee members receive no compensation for their
10 services; however, each member of the committee is entitled to a
11 per diem and travel allowance at the rate set by the legislature
12 for state employees in the General Appropriations Act for each day
13 that the member engages in the business of the committee.

14 SECTION 5. DUTIES AND POWERS OF THE COMMITTEE. (a) Subject
15 to the approval of the board, the committee shall adopt rules
16 necessary to administer and enforce this Act, including rules that
17 establish standards of ethical practice.

18 (b) With the assistance of the department, the committee
19 shall administer, coordinate, and enforce the provisions of this
20 Act; evaluate the qualifications of applicants; provide for the
21 examination of applicants; and issue subpoenas, examine witnesses,
22 and administer oaths under the laws of the State of Texas.

23 (c) With the assistance of the department and in accordance
24 with the Administrative Procedure and Texas Register Act, as
25 amended (Article 6252-13a, Vernon's Texas Civil Statutes), the
26 committee shall conduct hearings and keep records and minutes

1 necessary to the orderly administration of this Act.

2 (d) The committee with the aid of the department shall
3 investigate persons engaging in practices that violate the
4 provisions of this Act.

5 (e) A person who holds a license to practice speech-language
6 pathology or audiology in this state is governed and controlled by
7 the rules adopted by the committee and approved by the board of
8 health.

9 (f) The conferral or enumeration of specific powers
10 elsewhere in this Act shall not be construed as a limitation of the
11 general powers conferred by this section.

12 (g) The committee shall be represented by the attorney
13 general and the district and county attorneys of this state.

14 (h) The committee may appoint subcommittees to work under
15 its jurisdiction, subject to the approval of the board.

16 SECTION 6. EMPLOYEES OF THE COMMITTEE. The Texas Department
17 of Health shall provide such administrative and clerical employees
18 as are necessary to carry out the provisions of this Act.

19 SECTION 7. SEAL AND AUTHENTICATION OF RECORDS. The
20 committee shall adopt a seal by which it shall authenticate its
21 proceedings. Copies of the proceedings, records, and acts of the
22 committee and certificates purporting to relate the facts
23 concerning the proceedings, records, and acts, signed by the
24 secretary-treasurer and authenticated by the seal, are prima facie
25 evidence in all courts of this state.

26 . SECTION 8. LICENSING AND REGULATION OF SPEECH-LANGUAGE

1 PATHOLOGISTS AND AUDIOLOGISTS. (a) Licenses shall be granted
2 either in speech-language pathology or audiology independently.
3 Persons may be licensed in both areas if they meet the
4 qualifications.

5 (b) A person may not practice or represent himself or
6 herself as a speech-language pathologist or audiologist in this
7 state after August 31, 1984, unless he or she is licensed in
8 accordance with the provisions of this Act.

9 (c) Any violation of this subsection shall constitute a
10 deceptive trade practice.

11 SECTION 9. PERSONS AND PRACTICES NOT AFFECTED. (a) This
12 Act does not prevent qualified persons licensed in this state under
13 another law from engaging in the profession for which they are
14 licensed.

15 (b) This Act does not prevent or restrict the activities and
16 services and the use of an official title by persons holding a
17 valid and current certification in speech and hearing therapy from
18 the Central Education Agency if those persons perform
19 speech-language pathology or audiology services solely as a part of
20 their duties within an agency, institution, or organization under
21 the jurisdiction of the Central Education Agency. If persons
22 affected by this subsection perform work as a speech-language
23 pathologist or audiologist apart from their positions within an
24 agency, institution, or organization of the Central Education
25 Agency, they must have a license issued by the committee, except
26 that a person affected by this subsection may perform speech and

1 hearing screening procedures without compensation without having a
2 license issued by the committee.

3 (c) This Act does not restrict the activities and services
4 of students or interns pursuing a course of study leading to a
5 degree in speech-language pathology at a college or university
6 accredited by the Southern Association of Colleges and Universities
7 or its equivalent, provided that these activities and services
8 constitute a part of their supervised course of study or internship
9 year; that after September 1, 1984, they are supervised by a person
10 licensed under this Act; and that they are designated by a title
11 such as "Speech-Language Pathology Intern" or "Speech-Language
12 Pathology Trainee" or other title clearly indicating the training
13 status appropriate to their level of training.

14 (d) This Act does not restrict activities and services of
15 students or interns in audiology pursuing a course of study leading
16 to a degree in audiology at a college or university accredited by
17 the Southern Association of Colleges and Universities or its
18 equivalent, provided that these activities and services constitute
19 a part of their supervised course of study or internship year; that
20 after September 1, 1984, they are supervised by a person licensed
21 under this Act; and that they are designated by a title such as
22 "Audiology Intern" or "Audiology Trainee" or other title clearly
23 indicating the training status appropriate to their level of
24 training.

25 (e) This Act does not restrict the performance of
26 speech-language pathology or audiology services in this state by a

1 person not a resident of this state who is not licensed under this
2 Act, if the services are performed for no more than five days in a
3 calendar year and if the person meets the qualifications and
4 requirements for application for licensure under this Act.

5 (f) This Act does not restrict the use of an official title
6 by an individual teaching in a university or college training
7 program, provided that the person is not engaged in the practice of
8 speech-language pathology or audiology and does not supervise
9 persons engaged in the practice of speech-language pathology or
10 audiology.

11 (g) This Act does not permit a person to perform an act that
12 would be in violation of the Medical Practice Act (Article 4495b,
13 Vernon's Texas Civil Statutes). This Act does not permit a person
14 to provide medical or surgical diagnosis or treatment of laryngeal
15 or ear disorders.

16 (h) Nothing in this Act shall be construed as restricting or
17 preventing a physician or surgeon from engaging in the practice of
18 medicine in this state. This Act does not restrict speech or
19 hearing testing or evaluation conducted by a licensed physician or
20 surgeon.

21 (i) This Act does not apply to persons employed by the Texas
22 Department of Health in its programs concerned with hearing or
23 speech services as long as they are performing duties under the
24 jurisdiction of the Texas Department of Health.

25 (j) This Act does not apply to a person who shows evidence
26 of having received training by the Texas Department of Health in

1 one of the hearing screening training programs approved by that
2 agency, provided that all activities performed under this exception
3 shall be limited to screening of hearing sensitivity.

4 (k) This Act does not license a person to sell hearing aids
5 as defined in Chapter 366, Acts of the 61st Legislature, Regular
6 Session, 1969, as amended (Article 4566-1.01 et seq., Vernon's
7 Texas Civil Statutes).

8 (l) This Act does not prevent or restrict a person licensed
9 by the Texas Board of Examiners in the Fitting and Dispensing of
10 Hearing Aids from engaging in the practice of fitting and
11 dispensing hearing aids.

12 (m) This Act does not prevent persons in an industrial
13 setting from engaging in hearing testing as a part of a hearing
14 conservation program in compliance with regulations of the
15 Occupational Safety and Health Administration, provided that such
16 persons are certified by an agency acceptable to the Occupational
17 Safety and Health Administration.

18 (n) This Act does not prevent or restrict speech or hearing
19 sensitivity screening evaluations conducted by registered nurses
20 licensed by the laws of this state and practicing in accordance
21 with the standards of professional conduct and ethics promulgated
22 by the rules and regulations of the Board of Nurse Examiners.

23 (o) This Act does not prevent the use of the title
24 "Certified Hearing Aid Audiologist" by a person so certified by the
25 National Hearing Aid Association if the person is a licensed
26 hearing aid dispenser and uses the title solely in connection with

1 fitting and dispensing hearing aids and does not represent himself
2 to be a licensed audiologist under this Act.

3 (p) Nothing in this Act shall be construed as restricting or
4 preventing a licensed psychologist from engaging in the practice of
5 psychology within the scope of the activities permitted under that
6 license.

7 SECTION 10. QUALIFICATION OF APPLICANTS FOR LICENSE. To be
8 eligible for licensing as a speech-language pathologist or
9 audiologist, an applicant must:

10 (1) possess at least a master's degree with a major in
11 speech-language pathology or audiology from an accredited or
12 approved college or university;

13 (2) submit transcripts from one or more colleges or
14 universities showing successful completion of course work in
15 amounts set by the committee with the approval of the board in the
16 following areas:

17 (A) information about normal development and use of speech,
18 language, and hearing;

19 (B) information about evaluation, habilitation, and
20 rehabilitation of speech, language, and hearing disorders; and

21 (C) information pertaining to related fields that augment
22 the work of clinical practitioners of speech-language pathology and
23 audiology;

24 (3) have successfully completed at least 30 semester hours
25 in courses that are acceptable toward a graduate degree by the
26 college or university in which they are taken, at least 21 of which

1 are within the professional area for which the license is requested
2 and at least six of which are in audiology for the applicant for a
3 speech-language pathology license or in speech-language pathology
4 for the applicant for a license in audiology;

5 (4) have completed a minimum of 300 clock hours of
6 supervised clinical experience with individuals who present a
7 variety of communication disorders, and this experience must have
8 been obtained within his or her training institution or in one of
9 its cooperating programs and under the supervision of a person
10 holding a valid license to practice speech-language pathology or
11 audiology, provided during the first year of this Act, the
12 supervision may be under a person who would have met the
13 qualifications for a license under this Act; and

14 (5) have obtained the equivalent of nine months of full-time
15 supervised professional experience in which bona fide clinical work
16 has been accomplished in the major professional area for which the
17 license is being sought, under the supervision of a qualified
18 person acceptable to the committee pursuant to guidelines approved
19 by the board which experience must have begun after completion of
20 the academic and clinical experience required by this section.

21 SECTION 11. APPLICATION FOR LICENSE. Each person desiring a
22 license under this Act shall make application to the committee on a
23 form and in the manner the committee prescribes. The application
24 shall be accompanied by the application fee which may not be
25 refunded by the committee.

26 SECTION 12. EXAMINATION. (a) Each applicant shall be

1 examined by the committee and shall pay to the committee, at least
2 30 days prior to the date of examination, a nonrefundable
3 examination fee prescribed by the committee. The examination shall
4 be given at least twice each year at a time and place established
5 by and under the supervision of the committee.

6 (b) The committee may examine by written or oral examination
7 or by both. The committee shall maintain a record of all
8 examination scores for at least two years after the date of
9 examination.

10 (c) Standards for acceptable performance shall be determined
11 by the committee.

12 (d) The committee may examine in whatever theoretical or
13 applied fields of speech-language pathology or audiology it deems
14 appropriate. It may examine the candidates with regard to their
15 professional skills and their judgment in the utilization of
16 speech-language pathology or audiology techniques or methods.

17 (e) Persons who fail the examination may be examined at a
18 subsequent time if they pay another nonrefundable examination fee.
19 No applicant who has taken and failed to pass two examinations may
20 take the examination until the person has submitted a new
21 application together with a nonrefundable application fee and
22 presented evidence to the committee of additional study in the area
23 for which licensure is sought.

24 (f) The committee may waive the examination for applicants
25 who:

26 (1) present proof of current licensure in another state,

1 including the District of Columbia, or territory of the United
2 States which maintains professional standards considered by the
3 committee to be equivalent to those set forth in this Act; or

4 (2) hold the Certificate of Clinical Competence of the
5 American Speech-Language Hearing Association in the area for which
6 a license is being sought.

7 SECTION 13. LICENSING UNDER SPECIAL CONDITIONS. (a) The
8 committee on request must waive educational, professional
9 experience, and examination requirements for licensure in
10 speech-language pathology for applicants who hold a baccalaureate
11 or graduate degree, are fully certified by the Central Education
12 Agency in speech and hearing therapy or in the judgment of the
13 committee have met equivalent requirements, and within two years
14 prior to the effective date of this Act were engaged in the
15 practice of speech pathology on proof of bona fide practice of
16 speech pathology, presented to the committee in the manner
17 prescribed by the committee's rules, provided they file an
18 application for licensure with the committee or the board of health
19 before August 31, 1984. Such licenses shall be issued without
20 delay and shall be renewed in the same manner as licenses granted
21 under other provisions of this Act.

22 (b) The committee on request shall waive educational,
23 professional experience, and examination requirements for licensure
24 in audiology for applicants who on the effective date of this Act
25 hold a baccalaureate or graduate degree and have successfully
26 completed 21 semester hours of course work in audiology, and are

1 engaged in the practice of audiology on proof of bona fide practice
2 of audiology presented to the committee in the manner prescribed by
3 the committee's rules, provided they file an application for
4 licensure with the committee or the department within 90 days from
5 the effective date of this Act.

6 (c) The committee may waive the examination and grant
7 licensure to an applicant who presents proof of current licensure
8 in another state, including the District of Columbia, or territory
9 of the United States which maintains professional standards
10 considered by the committee to be equivalent to those set forth in
11 this Act.

12 (d) The committee may waive the examination and grant
13 licensure to an applicant who holds the Certificate of Clinical
14 Competence of the American Speech-Language Hearing Association or
15 has met equivalent requirements in the area for which a license is
16 sought.

17 SECTION 14. ISSUANCE OF LICENSE. (a) The committee shall
18 issue a license to an applicant who meets the requirements of this
19 Act and who pays to the committee the initial nonrefundable license
20 fee.

21 (b) A temporary certificate of registration may be applied
22 for by a person who fulfills the requirements of Section 10 of this
23 Act and who has not previously applied to take the examination
24 provided under Section 12 of this Act.

25 (c) On receiving an application provided for under
26 Subsection (b) of this section accompanied by the nonrefundable

1 application fee, the committee shall issue a temporary certificate
2 of registration which entitles the applicant to practice audiology
3 or speech-language pathology for a period ending eight weeks after
4 the conclusion of the next examination given after the date of
5 issue.

6 (d) All licenses expire and become invalid one year from the
7 date of issuance if not renewed.

8 SECTION 15. RENEWAL OF LICENSE. (a) Each licensed
9 speech-language pathologist or audiologist shall annually pay the
10 nonrefundable renewal fee for a renewal of his license. A 60-day
11 grace period shall be allowed. After expiration of the grace
12 period, the committee may renew each license after payment of a
13 penalty set by the rules. No person who applies for renewal within
14 two years after the date of expiration of the license may be
15 required to submit to an examination as a condition to renewal.

16 (b) Persons who fail to renew their license within two years
17 after the date of its expiration may not renew it, and it may not
18 be restored, reissued, or reinstated thereafter, but those persons
19 may apply for and obtain a new license if they meet the
20 requirements of this Act.

21 (c) Within three years of the effective date of this Act,
22 renewal of a license is contingent on the applicant's meeting
23 uniform continuing education requirements established by the
24 committee. These continuing education requirements must be of such
25 a nature that they can be met without necessitating an extended
26 absence from the licensee's county of residence. Notice of

1 continuing education requirements shall be sent to all persons
 2 licensed under this Act at least 12 months prior to the time that
 3 the person's license renewal is dependent on completion of the
 4 requirements. Continuing education requirements shall be sent to
 5 new applicants with the forms on which they are to apply for
 6 licensure. Notification or changes in continuing education
 7 requirements shall be sent to persons licensed under this Act at
 8 least one year prior to the date on which the new requirements
 9 become effective.

10 (d) A suspended license is subject to expiration and may be
 11 renewed as provided in this Act, but the renewal does not entitle
 12 the licensee, while the license remains suspended and until it is
 13 reinstated, to engage in the licensed activity or in any other
 14 activity or conduct in violation of the order or judgment by which
 15 the license was suspended. A license revoked on disciplinary
 16 grounds is subject to expiration as provided in this Act, but it
 17 may not be renewed. If it is reinstated after its expiration, the
 18 licensee as a condition of reinstatement shall pay a reinstatement
 19 fee in an amount equal to the renewal fee in effect on the last
 20 preceding regular renewal date before the date on which it is
 21 reinstated, plus the delinquency fee, if any, accrued at the time
 22 of the license revocation.

23 SECTION 16. FEES. The amount of fees initially prescribed
 24 in connection with a license as a speech-language pathologist or
 25 audiologist may not exceed the following:

26 (1) application fee: \$75

- 1 (2) examination fee: \$50
- 2 (3) initial license fee: \$75
- 3 (4) license renewal fee: \$75
- 4 (5) delinquency fee: \$50
- 5 (6) temporary license fee: \$25
- 6 (7) duplicate license fee: \$10

7 The committee by rule shall establish fees, and such fees shall be
 8 adjusted so that the total fees collected shall be sufficient to
 9 meet the expenses of administering this Act and so that unnecessary
 10 surpluses in the fund provided for in Section 20 of this Act are
 11 avoided.

12 SECTION 17. DENIAL, SUSPENSION, AND REVOCATION. (a) The
 13 committee may refuse to issue a license to an applicant or may
 14 suspend or revoke the license of any licensee for any of the
 15 following causes:

16 (1) obtaining a license by means of fraud,
 17 misrepresentation, or concealment of material facts;

18 (2) selling, bartering, or offering to sell or barter a
 19 license or certificate of registration;

20 (3) unprofessional conduct that has endangered or is likely
 21 to endanger the health, welfare, or safety of the public as defined
 22 by the rules established by the committee or violation of the code
 23 of ethics adopted and published by the committee;

24 (4) violating any lawful order or rule rendered or adopted
 25 by the committee; or

26 (5) violating any provisions of this Act.

(b) The committee shall deny an application for or suspend or revoke or impose probationary conditions on a license as ordered by the committee in any decision made after hearing as provided in this Act. One year from the date of revocation of a license under this Act, application may be made to the committee for reinstatement. The committee shall have discretion to accept or reject an application for reinstatement and may require an examination for the reinstatement.

(c) A plea or verdict of guilty or a conviction following a plea of nolo contendere made to a charge of a felony or of an offense involving moral turpitude is deemed to be a conviction within the meaning of this Act. At the direction of the committee the license may be suspended or revoked or the committee may decline to issue a license when the time for appeal of the conviction has elapsed or the judgment or conviction has been affirmed on appeal, or when an order granting probation is made suspending the imposition of sentence irrespective of a subsequent order allowing a person to withdraw his or her plea of guilty, or setting aside the verdict of guilty, or dismissing the information or indictment.

SECTION 18. PENALTIES. (a) A person who violates any of the provisions of this Act is guilty of a Class B misdemeanor and on conviction may be punished by confinement in the county jail not exceeding six months, by a fine not exceeding \$1,000, or by both.

(b) If a person other than a licensed speech-language pathologist or audiologist has engaged in any act or practice which

1 constitutes an offense under this Act, a district court of any
2 county on application of the committee may issue an injunction or
3 other appropriate order restraining such conduct.

4 SECTION 19. PROCEDURES FOR DENIAL, REVOCATION, OR SUSPENSION
5 OF A LICENSE. (a) A person whose application for a license is
6 denied is entitled to a hearing before the committee if such person
7 submits a written request to the committee.

8 (b) Proceedings for revocation or suspension of a license
9 shall be commenced by filing charges with the committee in writing
10 and under oath. The charges may be made by any person or persons.

11 (c) The chairperson of the committee shall fix a time and
12 place for a hearing and shall cause a written copy of the charges
13 or reason for denial of a license, together with a notice of the
14 time and place fixed for the hearing, to be served on the applicant
15 requesting the hearing or the licensee against whom the charges
16 have been filed at least 20 days prior to the date set for the
17 hearing. Service of charges and notice of hearing may be given by
18 certified mail to the last known address of the licensee or
19 applicant.

20 (d) At the hearing the applicant or licensee has the right
21 to appear either personally or by counsel or both, to produce
22 witnesses, to have subpoenas issued by the committee, and to
23 cross-examine opposing or adverse witnesses.

24 (e) The committee shall determine the charges on their
25 merits and enter an order in a permanent record setting forth the
26 findings of fact and law and the action taken. A copy of the order

1 of the committee shall be mailed to the applicant or licensee at
2 his or her last known address by certified mail.

3 (f) An individual whose application for a license has been
4 refused or whose license has been cancelled, revoked, or suspended
5 by the committee may take an appeal, within 20 days after the order
6 is entered, to any district court of Travis County or to any
7 district court of the county of his or her residence.

8 (g) In all appeals prosecuted in any of the courts of this
9 state pursuant to the provisions of this Act, such trials shall be
10 de novo as that term is used and understood in appeals from justice
11 of the peace courts. Under no circumstances shall the substantial
12 evidence rule as interpreted and applied by the courts in Texas in
13 other cases ever be used or applied to appeals prosecuted under the
14 provisions of this Act.

15 (h) All proceedings under this Act shall conform to the
16 requirements of the Administrative Procedure and Texas Register
17 Act, as amended (Article 6252-13g, Vernon's Texas Civil Statutes),
18 except as modified by this section.

19 SECTION 20. DISPOSITION OF FUNDS RECEIVED. (a) All funds
20 received by the committee under this Act shall be deposited in
21 accordance with applicable state law in the State Treasury in a
22 separate fund to be known as the speech-language pathology and
23 audiology fund and be appropriated to the Texas Department of
24 Health solely for administration of this Act.

25 (b) After August 31, 1984, all expenses for the
26 administration of the Act shall be paid from fees collected by the

1 committee under this Act.

2 (c) There is hereby appropriated \$80,000 to the
3 speech-language pathology and audiology fund for the implementation
4 of this Act, said funds coming from the General Revenue Fund for
5 the first year provided that the first \$80,000 of application and
6 license fees shall be returned to the General Revenue Fund as they
7 are received.

8 SECTION 21. EXEMPTIONS FROM THE BASIC SCIENCE LAW. The
9 provisions of Chapter 95, Acts of the 51st Legislature, Regular
10 Session, 1949, as amended (Article 4590c, Vernon's Texas Civil
11 Statutes), do not apply to audiologists or speech-language
12 pathologists duly qualified and licensed under this Act who confine
13 their activity to the areas specified in this Act.

14 SECTION 22. SUNSET PROVISION. Unless reenacted, the
15 provisions of this Act shall be without effect after August 31,
16 1993.

17 SECTION 23. EFFECTIVE DATE. This Act is effective September
18 1, 1983.

19 SECTION 24. EMERGENCY. The importance of this legislation
20 and the crowded condition of the calendars in both houses create an
21 emergency and an imperative public necessity that the
22 constitutional rule requiring bills to be read on three several
23 days in each house be suspended, and this rule is hereby suspended.

COMMITTEE REPORT

The Honorable Gib Lewis
Speaker of the House of Representatives

5-11-83
(date)

Sir:

We, your COMMITTEE ON STATE AFFAIRS, to whom was referred SB 813 have had the same under consideration and beg to report back with the recommendation that it (measure)

- (☒) do pass, without amendment.
(☐) do pass, with amendment(s).
(☐) do pass and be not printed; a Complete Committee Substitute is recommended in lieu of the original measure.

A fiscal note was requested. (☐) yes (☐) no

An author's fiscal statement was requested. (☐) yes (☒) no

An actuarial analysis was requested. (☐) yes (☒) no

The Committee recommends that this measure be placed on the ~~(Local)~~ or ~~(Consent)~~ Calendar.

This measure (☒) proposes new law.
(☐) amends existing law.

House Sponsor of Senate Measure POLE Henry

The measure was reported from Committee by the following vote:

	AYE	NAY	PNV	ABSENT
Laney, Ch.	<input checked="" type="checkbox"/>			
Ceverha, V.C.			<input checked="" type="checkbox"/>	
Millsap, C.B.O.				<input checked="" type="checkbox"/>
Bomer	<input checked="" type="checkbox"/>			
Bush	<input checked="" type="checkbox"/>			
Davis	<input checked="" type="checkbox"/>			
Gilley		<input checked="" type="checkbox"/>		
Green	<input checked="" type="checkbox"/>			
Hill, P.				<input checked="" type="checkbox"/>
Horn	<input checked="" type="checkbox"/>			
Keller	<input checked="" type="checkbox"/>			
Pennington			<input checked="" type="checkbox"/>	
Short	<input checked="" type="checkbox"/>			
Smith, C.				<input checked="" type="checkbox"/>
Stiles				<input checked="" type="checkbox"/>

Total 8 aye
1 nay
2 present, not voting
1 absent

Laney
CHAIRMAN
Nymola
COMMITTEE COORDINATOR

Bill Analysis

Background

Audiologists and speech pathologists are among the few professional health care providers in Texas whose practices are not regulated by the state. Although there is a national association that issues certificates of clinical competence to individuals who meet the educational and training standards of the organization, there is currently no mechanism where by such practitioners can be examined and licensed by the state to practice their professions. Additionally, there is no statutory procedure for revoking the certification an individual may receive from its national organization if he or she is practicing beyond the scope of his or her training or ability.

Purpose

This bill proposes to provide regulatory authority over persons offering speech-language pathology and audiology services to the public.

Section by Section Analysis

- Sec. 1 Cites the purpose of this Act.
- Sec. 2 Definitions.
- Sec. 3 Creates the State Committee of Examiners for Speech Pathology and Audiology within the Department of Health; defines committee membership; sets forth requirements for committee appointments.
- Sec. 4 Defines procedure for determining terms of office of initial appointees to the board; provides for selection of officer; sets forth that five committee members constitute a quorum; defines meeting requirements; establishes that members receive no compensation for services, but are entitled to a per diem and travel allowance at a rate set by the Legislature.
- Sec. 5 Authorizes committee to adopt rules necessary to administer and enforce this Act, including rules establishing standards of ethical practice; directs committee to administer, coordinate, and enforce the provisions of this Act with the department's assistance; directs committee to evaluate applicants' qualifications, provide for examinations, issue subpoenas, examine witnesses, and administer oaths under the laws of the state; requires committee to conduct hearings and keep records and minutes necessary for the Act's administration and in accordance with the Administrative Procedures and Texas Register Act; directs committee with the department's aid to investigate persons in violation of this Act; prescribes that a person holding a license to practice speech-language pathology or audiology is governed and controlled by rules adopted by the committee and approved by the board of health; sets forth that conferral or enumeration of specific powers elsewhere in this Act shall not be construed as a limitation of the general powers conferred by this section; prescribes that the committee be represented by the Attorney General and the district and county attorney's of this state; enables the committee to appoint subcommittees.
- Sec. 6 Directs the department to provide necessary staff.
- Sec. 7 Directs committee to adopt a seal and sets forth that specific committee records and proceedings are prima facie evidence in all courts of state.
- Sec. 8 Provides for licenses for pathologists and audiologists to be granted independently; permits licensure in both professions; prohibits practice of or representation as pathologist or audiologist after August 31, 1984, unless licensed according to provisions of Act; sets forth that violation of this subsection constitutes a deceptive trade practice.

- Sec. 9 Establishes that this Act does not restrict the practice of other state-licensed professionals, the activities or services of certified speech and hearing therapists under the conditions specified, the activities and services of students or interns of speech-language pathology or audiology under the conditions, the use of an official title by a person teaching subject areas but not engaging in practice of pathology or audiology; sets forth that this Act does not authorize any violation of the Medical Practice Act; establishes that the Act does not authorize a person to provide medical or surgical diagnosis or treatment of laryngeal or ear disorders; sets forth that the Act shall not be construed to restrict physicians or surgeons from practicing medicine or from testing or evaluating speech or hearing; sets forth that the Act does not apply to employees of the Department of Health while performing job duties; provides that the Act shall not affect persons trained by the department for screening of hearing sensitivity; establishes that the Act does not provide licensure to sell hearing aids; sets forth that the Act does not restrict persons appropriately licensed to fit and dispense hearing aids nor does it restrict hearing testing programs in industrial settings which comply with regulations of Occupational Safety and Health Administration; provides that the Act shall not restrict speech and hearing screening evaluations by licensed registered nurses practicing in accordance with the rules and regulations of the Board of Nurse Examiners; establishes that this Act does not prevent use of the title "certified hearing aid audiologist" by persons with specified qualifications; sets forth that nothing in the Act shall be construed as restricting or preventing a licensed psychologist from engaging in the practice of psychology within the scope of the activities permitted under that license.
- Sec. 10 Prescribes eligibility requirements for licensure as a speech-language pathologist or as an audiologist.
- Sec. 11 Specifies that application for a license be made in manner prescribed by committee and be accompanied by a non-refundable fee.
- Sec. 12 Establishes procedure for examination of applicants for licensure; requires committee to maintain records of examination scores for minimum of two years after exam; directs committee to determine performance standards; prohibits an applicant who fails two examinations from re-taking exam until proof of additional study is provided to committee; permits committee to waive examination of applicants as prescribed.
- Sec. 13 Prescribes conditions under which the committee must/may waive educational, professional experience, or examination requirements for licensure.
- Sec. 14 Directs committee to issue licenses to applicants who meet requirements of Act and who have paid the initial nonrefundable licensing fee; allows application for and issuance of temporary certificate of registration; specifies extent of practice that is authorized by temporary certificate; sets forth that all licenses expire and become invalid one year from date issued if not renewed.
- Sec. 15 Establishes procedures and requirements for license renewal.
- Sec. 16 Sets forth maximum initial license fees and directs the committee to adjust fees in order to meet expenses of administering this Act and to avoid unnecessary surpluses in funds provided for in Section 20 of this Act.
- Sec. 17 Sets forth grounds for which the committee is authorized to revoke, suspend, or refuse to issue a license; provides procedure for denial of application and for application for reinstatement by committee; specifies that a plea or verdict of guilty or a conviction following a nolo contendere plea of a felony or specified offense is deemed to be a conviction within the meaning of this Act.
- Sec. 18 Sets forth that violation of any provision of Act is a Class B misdemeanor and sets penalty; allows for district court of any county upon application of the committee to issue injunction or restraining order if unlicensed person is committing an offense under this Act.

- Sec. 19 Entitles to a hearing before the committee a person whose application is denied; establishes proceedings required for revocation or suspension of license; sets forth required procedure for committee hearing on denial of application; specifies rights of applicant of licensee at hearing; directs committee to make determination and enter order in permanent record of its findings; directs committee to send a copy of the order by certified mail to the applicant or licensee; provides for appeal of revoked, suspended, cancelled licenses; establishes that such trials of appeals shall be de novo and under no circumstances shall the substantial evidence rule be used or applied to appeals prosecuted under provisions of Act; requires proceedings to conform to the Administrative Procedure and Texas Register Act.
- Sec. 20 Requires all funds received under Act to be deposited in separate fund in state treasury; establishes that after August 31, 1984, payment of administrative expenses shall be from fees collected by the committee; provides for appropriation of \$80,000.00 from general revenue fund for the first year of Act, calls for reimbursement to the general revenue fund.
- Sec. 21 Establishes that Article 4590C, V.T.C.S., does not apply to audiologists and speech-language pathologists licensed and acting in accordance with this Act.
- Sec. 22 Sets forth that unless reenacted expiration date of Act shall be August 31, 1993.
- Sec. 23 This Act takes effect September 1, 1983.
- Sec. 24 Emergency clause.

Rulemaking Authority

Section 5 (a) grants the State Committee of Examiners for speech-language pathology and audiology the authority subject to the approval of the Texas Board of Health to adopt rules necessary to administer and enforce this Act.

Section 16 grants the State Committee of Examiners for speech-language pathology and audiology the authority to establish fees so that the total fees collected shall be sufficient to meet the expenses of administering this Act.

Summary of Committee Action

Public notice was posted in accordance with the Rules of Procedure of the House of Representatives on H.B. 1609 (companion to S.B. 813) and a public hearing was held on May 9, 1983.

On May 11, 1983 the full committee substituted S.B. 813 for H.B. 1609 and voted to report S.B. 813 to the House without amendments and the recommendation that it do pass by a record vote of 8 ayes and 1 nay.

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE

May 13, 1983

Honorable James E. (Pete) Laney, Chair
Committee on State Affairs
House of Representatives
Austin, Texas

In Re: Senate Bill No. 813, as engrossed
By: Brooks

Sir:

In response to your request for a Fiscal Note on Senate Bill No. 813, as engrossed (relating to the licensing and regulation of speech-language pathologists and audiologists) this office has determined the following:

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

The bill would create the State Committee of Examiners for Speech Pathology and Audiology within the Texas Department of Health. Maximum fees for licensure and other services are set out in the bill, and would be deposited in a special fund in the treasury. All expenses for administration of the bill would be paid out of the special fund, except that for the first year \$80,000 would be appropriated from the General Revenue Fund to be repaid as funds are received. Approximately 2,000 persons are expected to seek licensure under the provisions of the bill.

The probable fiscal implication of implementing the provisions of the bill during each of the first five years following passage is estimated as follows:

Fiscal Year	Probable Cost Out of the General Revenue Fund	Probable Revenue Gain to the General Revenue Fund	Probable Cost Out of the Speech-Language Pathology and Audiology Fund	Probable Revenue Gain to the Speech-Language Pathology and Audiology Fund	Change in Number of State Employees from FY 1983
1984	\$80,000	\$80,000	-0-	-0-	+ 2
1985	-0-	-0-	\$61,057	\$61,057	+ 2
1986	-0-	-0-	61,057	61,057	+ 2
1987	-0-	-0-	61,057	61,057	+ 2
1988	-0-	-0-	61,057	61,057	+ 2

Similar annual fiscal implications would continue as long as the provisions of the bill are in effect.

No fiscal implication to units of local government is anticipated.


Jim Oliver
Director

Source: Department of Health;
LBB Staff: JO, JH, KH, GR, DM

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LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE

March 23, 1983

Honorable Chet Brooks, Chairman
Committee on Health and Human Resources
Senate Chamber
Austin, Texas

In Re: Senate Bill No. 813
By: Brooks

Sir:

In response to your request for a Fiscal Note on Senate Bill No. 813 (relating to the licensing and regulation of speech-language pathologists and audiologists) this office has determined the following:

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.


The bill would create the State Committee of Examiners for Speech Pathology and Audiology within the Texas Department of Health. Maximum fees for licensure and other services are set out in the bill, and would be deposited in a special fund in the treasury. All expenses for administration of the bill would be paid out of the special fund, except that for the first year funds could be appropriated from the General Revenue Fund. Approximately 2,000 persons are expected to seek licensure under the provisions of the bill.

The probable fiscal implication of implementing the provisions of the bill during each of the first five years following passage is estimated as follows:

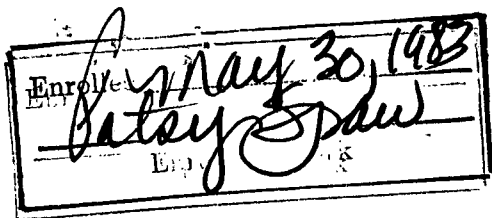
Fiscal Year	Probable Cost Out of the General Revenue Fund	Probable Cost out of the Speech-Language Pathology and Audiology Fund	Change in Number of State employees from FY 1983
1984	\$ 67,916	\$ -0-	+ 2
1985	-0-	61,057	+ 2
1986	-0-	61,057	+ 2
1987	-0-	61,057	+ 2
1988	-0-	61,057	+ 2

Similar annual costs would continue as long as the provisions of the bill are in effect.

No fiscal implication to units of local government is anticipated.


Jim Oliver
Director

Source: Department of Health: LBB Staff: JO, JH, GR, eb



S.B. No. 813

AN ACT

relating to the licensing and regulation of speech-language pathologists and audiologists; providing for hearings and judicial review; making an appropriation; providing enforcement procedures and penalties; and declaring an emergency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. PURPOSE. It is the policy of this state that in order to safeguard the public health, safety, and welfare and to protect the public from unprofessional conduct by speech-language pathologists and audiologists it is necessary to provide regulatory authority over persons offering speech-language pathology and audiology services to the public.

SECTION 2. DEFINITIONS. In this Act:

(1) "Board" means the Texas Board of Health.

(2) "Committee" means the State Committee of Examiners for Speech-Language Pathology and Audiology.

(3) "Department" means the Texas Department of Health.

(4) "Person" means an individual, corporation, partnership, or other legal entity.

(5) "Speech-language pathologist" means an individual who practices speech-language pathology, who makes a nonmedical evaluation, who examines, counsels, or provides habilitative or rehabilitative services for persons who have or are suspected of having speech, voice, or language disorders, and who meets the qualifications set forth in this Act.

1 (6) "The practice of speech-language pathology" means the
2 application of nonmedical principles, methods, and procedures for
3 the measurement, testing, evaluation, prediction, counseling,
4 habilitation, rehabilitation, or instruction related to the
5 development and disorders of speech, voice, or language for the
6 purpose of rendering or offering to render an evaluation,
7 prevention, or modification of these disorders and conditions in
8 individuals or groups of individuals. Speech-language pathologists
9 may perform the basic audiometric screening tests and hearing
10 therapy procedures consistent with their training.

11 (7) "Audiologist" means a person who practices audiology,
12 who makes a nonmedical evaluation, who examines, counsels, or
13 provides habilitative or rehabilitative services for persons who
14 have or are suspected of having a hearing disorder, and who meets
15 the qualifications set forth in this Act.

16 (8) "The practice of audiology" means the application of
17 nonmedical principles, methods, and procedures for the measurement,
18 testing, appraisal, prediction, consultation, counseling,
19 habilitation, rehabilitation, or instruction related to hearing and
20 disorders of hearing and for the purpose of rendering or offering
21 to render services modifying communicative disorders involving
22 speech, language, auditory function, or other aberrant behavior
23 relating to hearing loss. An audiologist may engage in any tasks,
24 procedures, acts, or practices that are necessary (A) for the
25 evaluation of hearing; (B) for training in the use of amplification
26 including hearing aids; or (C) for the making of earmolds for

1 hearing aids. An audiologist may participate in consultation
2 regarding noise control and hearing conservation, may provide
3 evaluations of environment or equipment including calibration of
4 equipment used in testing auditory functioning and hearing
5 conservation, and may perform the basic speech and language
6 screening tests and procedures consistent with his or her training.

7 (9) "Speech-language pathology aide" means a person who
8 meets minimum qualifications which the committee may establish for
9 speech-language pathology aides and who works under the direction
10 of a licensed speech-language pathologist. The qualifications for
11 licensure as a speech-language pathology aide shall be uniform and
12 shall be less than those established by this Act as necessary for
13 licensure as a speech-language pathologist.

14 (10) "Audiology aide" means a person who meets minimum
15 qualifications which the committee may establish for audiology
16 aides and who works under the direction of a licensed audiologist.
17 The qualifications for licensure as an audiology aide shall be
18 uniform and shall be less than those established by this Act as
19 necessary for licensure as an audiologist.

20 SECTION 3. COMMITTEE; MEMBERSHIP. (a) The State Committee
21 of Examiners for Speech Pathology and Audiology is created within
22 the Texas Department of Health. The committee consists of nine
23 members appointed by the governor to take office on the effective
24 date of this Act. Members of the committee must have been
25 residents of the State of Texas for two years immediately preceding
26 appointment and must be representative of varying geographic

regions of the state and from varying employment settings. Six members must have been engaged in rendering services, teaching, or research in speech-language pathology or audiology for at least five years and must meet the qualifications for licensure under this Act. Of these six members, three members shall be audiologists, three members shall be speech-language pathologists. Except for the initial appointees, all six shall hold valid licenses under this Act. Three members shall be selected from the general public. One of the three public members of the committee must be a physician licensed to practice in the State of Texas and board certified in otolaryngology or pediatrics. The two remaining public members may not:

(1) be licensed by an occupational regulatory agency in the field of health care;

(2) be employed by and participating in the management of an agency or business entity that provides health-care services or that sells, manufactures, or distributes health-care supplies or equipment;

(3) own, control, or have a direct or indirect interest in more than 10 percent of a business entity that provides health-care services or that sells, manufactures, or distributes health-care supplies or equipment; or

(4) be an officer, employee, or paid consultant of a trade association in the field of health care. A member of the committee may not be related within the second degree of affinity or consanguinity to a person who is an officer, employee, or a paid

1 consultant of a trade association in the health-care field.

2 (b) An appointment to the committee shall be made without
3 regard to the race, creed, sex, religion, or national origin of the
4 appointee.

5 (c) A person who is required to register as a lobbyist under
6 Chapter 422, Acts of the 63rd Legislature, Regular Session, 1973,
7 as amended (Article 6252-9c, Vernon's Texas Civil Statutes), in a
8 health-related area may not serve as a member of the board or act
9 as the general counsel to the board.

10 SECTION 4. TERMS; OFFICERS; QUORUM; EXPENSES. (a) The term
11 of initial appointees to the board shall be determined by lot as
12 follows: three members are appointed for terms which expire August
13 31, 1985; three members are appointed for terms which expire August
14 31, 1987; and three members are appointed for terms which expire
15 August 31, 1989. After the initial appointments, members are
16 appointed for staggered terms of six years, with three terms
17 beginning September 1 of each odd-numbered year. Members of the
18 committee shall serve until the expiration of the term to which
19 they have been appointed or until their successors have qualified.
20 A person may not be appointed to serve more than two consecutive
21 terms.

22 (b) The committee shall be organized annually and select a
23 chairperson, vice-chairperson, and a secretary-treasurer. The
24 initial chairperson shall be a person who meets the qualifications
25 for licensing under this Act. After September 1, 1984, the
26 chairperson shall hold a valid license under this Act.

1 (c) Five members of the committee constitute a quorum to do
2 business.

3 (d) The committee shall hold at least two regular meetings
4 each year at which time an examination as defined in Section 12 of
5 this Act shall be offered. Additional meetings may be held on the
6 call of the chairperson or at the written request of any three
7 members of the committee. At least 14 days' advance notice of the
8 committee meeting is required.

9 (e) Committee members receive no compensation for their
10 services; however, each member of the committee is entitled to a
11 per diem and travel allowance at the rate set by the legislature
12 for state employees in the General Appropriations Act for each day
13 that the member engages in the business of the committee.

14 SECTION 5. DUTIES AND POWERS OF THE COMMITTEE. (a) Subject
15 to the approval of the board, the committee shall adopt rules
16 necessary to administer and enforce this Act, including rules that
17 establish standards of ethical practice.

18 (b) With the assistance of the department, the committee
19 shall administer, coordinate, and enforce the provisions of this
20 Act; evaluate the qualifications of applicants; provide for the
21 examination of applicants; and issue subpoenas, examine witnesses,
22 and administer oaths under the laws of the State of Texas.

23 (c) With the assistance of the department and in accordance
24 with the Administrative Procedure and Texas Register Act, as
25 amended (Article 6252-13a, Vernon's Texas Civil Statutes), the
26 committee shall conduct hearings and keep records and minutes

1 necessary to the orderly administration of this Act.

2 (d) The committee with the aid of the department shall
3 investigate persons engaging in practices that violate the
4 provisions of this Act.

5 (e) A person who holds a license to practice speech-language
6 pathology or audiology in this state is governed and controlled by
7 the rules adopted by the committee and approved by the board of
8 health.

9 (f) The conferral or enumeration of specific powers
10 elsewhere in this Act shall not be construed as a limitation of the
11 general powers conferred by this section.

12 (g) The committee shall be represented by the attorney
13 general and the district and county attorneys of this state.

14 (h) The committee may appoint subcommittees to work under
15 its jurisdiction, subject to the approval of the board.

16 SECTION 6. EMPLOYEES OF THE COMMITTEE. The Texas Department
17 of Health shall provide such administrative and clerical employees
18 as are necessary to carry out the provisions of this Act.

19 SECTION 7. SEAL AND AUTHENTICATION OF RECORDS. The
20 committee shall adopt a seal by which it shall authenticate its
21 proceedings. Copies of the proceedings, records, and acts of the
22 committee and certificates purporting to relate the facts
23 concerning the proceedings, records, and acts, signed by the
24 secretary-treasurer and authenticated by the seal, are prima facie
25 evidence in all courts of this state.

26 SECTION 8. LICENSING AND REGULATION OF SPEECH-LANGUAGE

1 PATHOLOGISTS AND AUDIOLOGISTS. (a) Licenses shall be granted
2 either in speech-language pathology or audiology independently.
3 Persons may be licensed in both areas if they meet the
4 qualifications.

5 (b) A person may not practice or represent himself or
6 herself as a speech-language pathologist or audiologist in this
7 state after August 31, 1984, unless he or she is licensed in
8 accordance with the provisions of this Act.

9 (c) Any violation of this subsection shall constitute a
10 deceptive trade practice.

11 SECTION 9. PERSONS AND PRACTICES NOT AFFECTED. (a) This
12 Act does not prevent qualified persons licensed in this state under
13 another law from engaging in the profession for which they are
14 licensed.

15 (b) This Act does not prevent or restrict the activities and
16 services and the use of an official title by persons holding a
17 valid and current certification in speech and hearing therapy from
18 the Central Education Agency if those persons perform
19 speech-language pathology or audiology services solely as a part of
20 their duties within an agency, institution, or organization under
21 the jurisdiction of the Central Education Agency. If persons
22 affected by this subsection perform work as a speech-language
23 pathologist or audiologist apart from their positions within an
24 agency, institution, or organization of the Central Education
25 Agency, they must have a license issued by the committee, except
26 that a person affected by this subsection may perform speech and

1 hearing screening procedures without compensation without having a
2 license issued by the committee.

3 (c) This Act does not restrict the activities and services
4 of students or interns pursuing a course of study leading to a
5 degree in speech-language pathology at a college or university
6 accredited by the Southern Association of Colleges and Universities
7 or its equivalent, provided that these activities and services
8 constitute a part of their supervised course of study or internship
9 year; that after September 1, 1984, they are supervised by a person
10 licensed under this Act; and that they are designated by a title
11 such as "Speech-Language Pathology Intern" or "Speech-Language
12 Pathology Trainee" or other title clearly indicating the training
13 status appropriate to their level of training.

14 (d) This Act does not restrict activities and services of
15 students or interns in audiology pursuing a course of study leading
16 to a degree in audiology at a college or university accredited by
17 the Southern Association of Colleges and Universities or its
18 equivalent, provided that these activities and services constitute
19 a part of their supervised course of study or internship year; that
20 after September 1, 1984, they are supervised by a person licensed
21 under this Act; and that they are designated by a title such as
22 "Audiology Intern" or "Audiology Trainee" or other title clearly
23 indicating the training status appropriate to their level of
24 training.

25 (e) This Act does not restrict the performance of
26 speech-language pathology or audiology services in this state by a

1 person not a resident of this state who is not licensed under this
2 Act, if the services are performed for no more than five days in a
3 calendar year and if the person meets the qualifications and
4 requirements for application for licensure under this Act.

5 (f) This Act does not restrict the use of an official title
6 by an individual teaching in a university or college training
7 program, provided that the person is not engaged in the practice of
8 speech-language pathology or audiology and does not supervise
9 persons engaged in the practice of speech-language pathology or
10 audiology.

11 (g) This Act does not permit a person to perform an act that
12 would be in violation of the Medical Practice Act (Article 4495b,
13 Vernon's Texas Civil Statutes). This Act does not permit a person
14 to provide medical or surgical diagnosis or treatment of laryngeal
15 or ear disorders.

16 (h) Nothing in this Act shall be construed as restricting or
17 preventing a physician or surgeon from engaging in the practice of
18 medicine in this state. This Act does not restrict speech or
19 hearing testing or evaluation conducted by a licensed physician or
20 surgeon.

21 (i) This Act does not apply to persons employed by the Texas
22 Department of Health in its programs concerned with hearing or
23 speech services as long as they are performing duties under the
24 jurisdiction of the Texas Department of Health.

25 (j) This Act does not apply to a person who shows evidence
26 of having received training by the Texas Department of Health in

1 one of the hearing screening training programs approved by that
2 agency, provided that all activities performed under this exception
3 shall be limited to screening of hearing sensitivity.

4 (k) This Act does not license a person to sell hearing aids
5 as defined in Chapter 366, Acts of the 61st Legislature, Regular
6 Session, 1969, as amended (Article 4566-1.01 et seq., Vernon's
7 Texas Civil Statutes).

8 (l) This Act does not prevent or restrict a person licensed
9 by the Texas Board of Examiners in the Fitting and Dispensing of
10 Hearing Aids from engaging in the practice of fitting and
11 dispensing hearing aids.

12 (m) This Act does not prevent persons in an industrial
13 setting from engaging in hearing testing as a part of a hearing
14 conservation program in compliance with regulations of the
15 Occupational Safety and Health Administration, provided that such
16 persons are certified by an agency acceptable to the Occupational
17 Safety and Health Administration.

18 (n) This Act does not prevent or restrict speech or hearing
19 sensitivity screening evaluations conducted by registered nurses
20 licensed by the laws of this state and practicing in accordance
21 with the standards of professional conduct and ethics promulgated
22 by the rules and regulations of the Board of Nurse Examiners.

23 (o) This Act does not prevent the use of the title
24 "Certified Hearing Aid Audiologist" by a person so certified by the
25 National Hearing Aid Association if the person is a licensed
26 hearing aid dispenser and uses the title solely in connection with

1 fitting and dispensing hearing aids and does not represent himself
2 to be a licensed audiologist under this Act.

3 (p) Nothing in this Act shall be construed as restricting or
4 preventing a licensed psychologist from engaging in the practice of
5 psychology within the scope of the activities permitted under that
6 license.

7 SECTION 10. QUALIFICATION OF APPLICANTS FOR LICENSE. To be
8 eligible for licensing as a speech-language pathologist or
9 audiologist, an applicant must:

10 (1) possess at least a master's degree with a major in
11 speech-language pathology or audiology from an accredited or
12 approved college or university;

13 (2) submit transcripts from one or more colleges or
14 universities showing successful completion of course work in
15 amounts set by the committee with the approval of the board in the
16 following areas:

17 (A) information about normal development and use of speech,
18 language, and hearing;

19 (B) information about evaluation, habilitation, and
20 rehabilitation of speech, language, and hearing disorders; and

21 (C) information pertaining to related fields that augment
22 the work of clinical practitioners of speech-language pathology and
23 audiology;

24 (3) have successfully completed at least 30 semester hours
25 in courses that are acceptable toward a graduate degree by the
26 college or university in which they are taken, at least 21 of which

1 are within the professional area for which the license is requested
2 and at least six of which are in audiology for the applicant for a
3 speech-language pathology license or in speech-language pathology
4 for the applicant for a license in audiology;

5 (4) have completed a minimum of 300 clock hours of
6 supervised clinical experience with individuals who present a
7 variety of communication disorders, and this experience must have
8 been obtained within his or her training institution or in one of
9 its cooperating programs and under the supervision of a person
10 holding a valid license to practice speech-language pathology or
11 audiology, provided during the first year of this Act, the
12 supervision may be under a person who would have met the
13 qualifications for a license under this Act; and

14 (5) have obtained the equivalent of nine months of full-time
15 supervised professional experience in which bona fide clinical work
16 has been accomplished in the major professional area for which the
17 license is being sought, under the supervision of a qualified
18 person acceptable to the committee pursuant to guidelines approved
19 by the board which experience must have begun after completion of
20 the academic and clinical experience required by this section.

21 SECTION 11. APPLICATION FOR LICENSE. Each person desiring a
22 license under this Act shall make application to the committee on a
23 form and in the manner the committee prescribes. The application
24 shall be accompanied by the application fee which may not be
25 refunded by the committee.

26 SECTION 12. EXAMINATION. (a) Each applicant shall be

1 examined by the committee and shall pay to the committee, at least
2 30 days prior to the date of examination, a nonrefundable
3 examination fee prescribed by the committee. The examination shall
4 be given at least twice each year at a time and place established
5 by and under the supervision of the committee.

6 (b) The committee may examine by written or oral examination
7 or by both. The committee shall maintain a record of all
8 examination scores for at least two years after the date of
9 examination.

10 (c) Standards for acceptable performance shall be determined
11 by the committee.

12 (d) The committee may examine in whatever theoretical or
13 applied fields of speech-language pathology or audiology it deems
14 appropriate. It may examine the candidates with regard to their
15 professional skills and their judgment in the utilization of
16 speech-language pathology or audiology techniques or methods.

17 (e) Persons who fail the examination may be examined at a
18 subsequent time if they pay another nonrefundable examination fee.
19 No applicant who has taken and failed to pass two examinations may
20 take the examination until the person has submitted a new
21 application together with a nonrefundable application fee and
22 presented evidence to the committee of additional study in the area
23 for which licensure is sought.

24 (f) The committee may waive the examination for applicants
25 who:

26 (1) present proof of current licensure in another state,

1 including the District of Columbia, or territory of the United
2 States which maintains professional standards considered by the
3 committee to be equivalent to those set forth in this Act; or

4 (2) hold the Certificate of Clinical Competence of the
5 American Speech-Language Hearing Association in the area for which
6 a license is being sought.

7 SECTION 13. LICENSING UNDER SPECIAL CONDITIONS. (a) The
8 committee on request must waive educational, professional
9 experience, and examination requirements for licensure in
10 speech-language pathology for applicants who hold a baccalaureate
11 or graduate degree, are fully certified by the Central Education
12 Agency in speech and hearing therapy or in the judgment of the
13 committee have met equivalent requirements, and within two years
14 prior to the effective date of this Act were engaged in the
15 practice of speech pathology on proof of bona fide practice of
16 speech pathology, presented to the committee in the manner
17 prescribed by the committee's rules, provided they file an
18 application for licensure with the committee or the board of health
19 before August 31, 1984. Such licenses shall be issued without
20 delay and shall be renewed in the same manner as licenses granted
21 under other provisions of this Act.

22 (b) The committee on request shall waive educational,
23 professional experience, and examination requirements for licensure
24 in audiology for applicants who on the effective date of this Act
25 hold a baccalaureate or graduate degree and have successfully
26 completed 21 semester hours of course work in audiology, and are

1 engaged in the practice of audiology on proof of bona fide practice
2 of audiology presented to the committee in the manner prescribed by
3 the committee's rules, provided they file an application for
4 licensure with the committee or the department within 90 days from
5 the effective date of this Act.

6 (c) The committee may waive the examination and grant
7 licensure to an applicant who presents proof of current licensure
8 in another state, including the District of Columbia, or territory
9 of the United States which maintains professional standards
10 considered by the committee to be equivalent to those set forth in
11 this Act.

12 (d) The committee may waive the examination and grant
13 licensure to an applicant who holds the Certificate of Clinical
14 Competence of the American Speech-Language Hearing Association or
15 has met equivalent requirements in the area for which a license is
16 sought.

17 SECTION 14. ISSUANCE OF LICENSE. (a) The committee shall
18 issue a license to an applicant who meets the requirements of this
19 Act and who pays to the committee the initial nonrefundable license
20 fee.

21 (b) A temporary certificate of registration may be applied
22 for by a person who fulfills the requirements of Section 10 of this
23 Act and who has not previously applied to take the examination
24 provided under Section 12 of this Act.

25 (c) On receiving an application provided for under
26 Subsection (b) of this section accompanied by the nonrefundable

1 application fee, the committee shall issue a temporary certificate
2 of registration which entitles the applicant to practice audiology
3 or speech-language pathology for a period ending eight weeks after
4 the conclusion of the next examination given after the date of
5 issue.

6 (d) All licenses expire and become invalid one year from the
7 date of issuance if not renewed.

8 SECTION 15. RENEWAL OF LICENSE. (a) Each licensed
9 speech-language pathologist or audiologist shall annually pay the
10 nonrefundable renewal fee for a renewal of his license. A 60-day
11 grace period shall be allowed. After expiration of the grace
12 period, the committee may renew each license after payment of a
13 penalty set by the rules. No person who applies for renewal within
14 two years after the date of expiration of the license may be
15 required to submit to an examination as a condition to renewal.

16 (b) Persons who fail to renew their license within two years
17 after the date of its expiration may not renew it, and it may not
18 be restored, reissued, or reinstated thereafter, but those persons
19 may apply for and obtain a new license if they meet the
20 requirements of this Act.

21 (c) Within three years of the effective date of this Act,
22 renewal of a license is contingent on the applicant's meeting
23 uniform continuing education requirements established by the
24 committee. These continuing education requirements must be of such
25 a nature that they can be met without necessitating an extended
26 absence from the licensee's county of residence. Notice of

1 continuing education requirements shall be sent to all persons
2 licensed under this Act at least 12 months prior to the time that
3 the person's license renewal is dependent on completion of the
4 requirements. Continuing education requirements shall be sent to
5 new applicants with the forms on which they are to apply for
6 licensure. Notification or changes in continuing education
7 requirements shall be sent to persons licensed under this Act at
8 least one year prior to the date on which the new requirements
9 become effective.

10 (d) A suspended license is subject to expiration and may be
11 renewed as provided in this Act, but the renewal does not entitle
12 the licensee, while the license remains suspended and until it is
13 reinstated, to engage in the licensed activity or in any other
14 activity or conduct in violation of the order or judgment by which
15 the license was suspended. A license revoked on disciplinary
16 grounds is subject to expiration as provided in this Act, but it
17 may not be renewed. If it is reinstated after its expiration, the
18 licensee as a condition of reinstatement shall pay a reinstatement
19 fee in an amount equal to the renewal fee in effect on the last
20 preceding regular renewal date before the date on which it is
21 reinstated, plus the delinquency fee, if any, accrued at the time
22 of the license revocation.

23 SECTION 16. FEES. The amount of fees initially prescribed
24 in connection with a license as a speech-language pathologist or
25 audiologist may not exceed the following:

26 (1) application fee: \$75

- (2) examination fee: \$50
- (3) initial license fee: \$75
- (4) license renewal fee: \$75
- (5) delinquency fee: \$50
- (6) temporary license fee: \$25
- (7) duplicate license fee: \$10

The committee by rule shall establish fees, and such fees shall be adjusted so that the total fees collected shall be sufficient to meet the expenses of administering this Act and so that unnecessary surpluses in the fund provided for in Section 20 of this Act are avoided.

SECTION 17. DENIAL, SUSPENSION, AND REVOCATION. (a) The committee may refuse to issue a license to an applicant or may suspend or revoke the license of any licensee for any of the following causes:

- (1) obtaining a license by means of fraud, misrepresentation, or concealment of material facts;
- (2) selling, bartering, or offering to sell or barter a license or certificate of registration;
- (3) unprofessional conduct that has endangered or is likely to endanger the health, welfare, or safety of the public as defined by the rules established by the committee or violation of the code of ethics adopted and published by the committee;
- (4) violating any lawful order or rule rendered or adopted by the committee; or
- (5) violating any provisions of this Act.

(b) The committee shall deny an application for or suspend or revoke or impose probationary conditions on a license as ordered by the committee in any decision made after hearing as provided in this Act. One year from the date of revocation of a license under this Act, application may be made to the committee for reinstatement. The committee shall have discretion to accept or reject an application for reinstatement and may require an examination for the reinstatement.

(c) A plea or verdict of guilty or a conviction following a plea of nolo contendere made to a charge of a felony or of an offense involving moral turpitude is deemed to be a conviction within the meaning of this Act. At the direction of the committee the license may be suspended or revoked or the committee may decline to issue a license when the time for appeal of the conviction has elapsed or the judgment or conviction has been affirmed on appeal, or when an order granting probation is made suspending the imposition of sentence irrespective of a subsequent order allowing a person to withdraw his or her plea of guilty, or setting aside the verdict of guilty, or dismissing the information or indictment.

SECTION 18. PENALTIES. (a) A person who violates any of the provisions of this Act is guilty of a Class B misdemeanor and on conviction may be punished by confinement in the county jail not exceeding six months, by a fine not exceeding \$1,000, or by both.

(b) If a person other than a licensed speech-language pathologist or audiologist has engaged in any act or practice which

1 constitutes an offense under this Act, a district court of any
2 county on application of the committee may issue an injunction or
3 other appropriate order restraining such conduct.

4 SECTION 19. PROCEDURES FOR DENIAL, REVOCATION, OR SUSPENSION
5 OF A LICENSE. (a) A person whose application for a license is
6 denied is entitled to a hearing before the committee if such person
7 submits a written request to the committee.

8 (b) Proceedings for revocation or suspension of a license
9 shall be commenced by filing charges with the committee in writing
10 and under oath. The charges may be made by any person or persons.

11 (c) The chairperson of the committee shall fix a time and
12 place for a hearing and shall cause a written copy of the charges
13 or reason for denial of a license, together with a notice of the
14 time and place fixed for the hearing, to be served on the applicant
15 requesting the hearing or the licensee against whom the charges
16 have been filed at least 20 days prior to the date set for the
17 hearing. Service of charges and notice of hearing may be given by
18 certified mail to the last known address of the licensee or
19 applicant.

20 (d) At the hearing the applicant or licensee has the right
21 to appear either personally or by counsel or both, to produce
22 witnesses, to have subpoenas issued by the committee, and to
23 cross-examine opposing or adverse witnesses.

24 (e) The committee shall determine the charges on their
25 merits and enter an order in a permanent record setting forth the
26 findings of fact and law and the action taken. A copy of the order

1 of the committee shall be mailed to the applicant or licensee at
2 his or her last known address by certified mail.

3 (f) An individual whose application for a license has been
4 refused or whose license has been cancelled, revoked, or suspended
5 by the committee may take an appeal, within 20 days after the order
6 is entered, to any district court of Travis County or to any
7 district court of the county of his or her residence.

8 (g) In all appeals prosecuted in any of the courts of this
9 state pursuant to the provisions of this Act, such trials shall be
10 de novo as that term is used and understood in appeals from justice
11 of the peace courts. Under no circumstances shall the substantial
12 evidence rule as interpreted and applied by the courts in Texas in
13 other cases ever be used or applied to appeals prosecuted under the
14 provisions of this Act.

15 (h) All proceedings under this Act shall conform to the
16 requirements of the Administrative Procedure and Texas Register
17 Act, as amended (Article 6252-13g, Vernon's Texas Civil Statutes),
18 except as modified by this section.

19 SECTION 20. DISPOSITION OF FUNDS RECEIVED. (a) All funds
20 received by the committee under this Act shall be deposited in
21 accordance with applicable state law in the State Treasury in a
22 separate fund to be known as the speech-language pathology and
23 audiology fund and be appropriated to the Texas Department of
24 Health solely for administration of this Act.

25 (b) After August 31, 1984, all expenses for the
26 administration of the Act shall be paid from fees collected by the

1 committee under this Act.

2 (c) There is hereby appropriated \$80,000 to the
3 speech-language pathology and audiology fund for the implementation
4 of this Act, said funds coming from the General Revenue Fund for
5 the first year provided that the first \$80,000 of application and
6 license fees shall be returned to the General Revenue Fund as they
7 are received.

8 SECTION 21. EXEMPTIONS FROM THE BASIC SCIENCE LAW. The
9 provisions of Chapter 95, Acts of the 51st Legislature, Regular
10 Session, 1949, as amended (Article 4590c, Vernon's Texas Civil
11 Statutes), do not apply to audiologists or speech-language
12 pathologists duly qualified and licensed under this Act who confine
13 their activity to the areas specified in this Act.

14 SECTION 22. SUNSET PROVISION. Unless reenacted, the
15 provisions of this Act shall be without effect after August 31,
16 1993.

17 SECTION 23. EFFECTIVE DATE. This Act is effective September
18 1, 1983.

19 SECTION 24. EMERGENCY. The importance of this legislation
20 and the crowded condition of the calendars in both houses create an
21 emergency and an imperative public necessity that the
22 constitutional rule requiring bills to be read on three several
23 days in each house be suspended, and this rule is hereby suspended.

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 813 passed the Senate on May 9, 1983, by a viva-voce vote; passed subject to the provisions of Article III, Section 49a of the Constitution of Texas.

Secretary of the Senate

I hereby certify that S.B. No. 813 passed the House on May 28, 1983, by a non-record vote; passed subject to the provisions of Article III, Section 49a of the Constitution of Texas.

Chief Clerk of the House

Approved:

Date

Governor

I, Bob Bullock, Comptroller of Public Accounts, do hereby certify that the amount appropriated in the herein S.B. No. 813, Regular Session, 68th Legislature, is within the amount estimated to be available in the affected fund.

Certified _____, 1983.

Comptroller of Public Accounts

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE

March 23, 1983

Honorable Chet Brooks, Chairman
Committee on Health and Human Resources
Senate Chamber
Austin, Texas

In Re: Senate Bill No. 813
By: Brooks

Sir:

In response to your request for a Fiscal Note on Senate Bill No. 813 (relating to the licensing and regulation of speech-language pathologists and audiologists) this office has determined the following:

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.


The bill would create the State Committee of Examiners for Speech Pathology and Audiology within the Texas Department of Health. Maximum fees for licensure and other services are set out in the bill, and would be deposited in a special fund in the treasury. All expenses for administration of the bill would be paid out of the special fund, except that for the first year funds could be appropriated from the General Revenue Fund. Approximately 2,000 persons are expected to seek licensure under the provisions of the bill.

The probable fiscal implication of implementing the provisions of the bill during each of the first five years following passage is estimated as follows:

<u>Fiscal Year</u>	<u>Probable Cost Out of the General Revenue Fund</u>	<u>Probable Cost out of the Speech-Language Pathology and Audiology Fund</u>	<u>Change in Number of State employees from FY 1983</u>
1984	\$ 67,916	\$ -0-	+ 2
1985	-0-	61,057	+ 2
1986	-0-	61,057	+ 2
1987	-0-	61,057	+ 2
1988	-0-	61,057	+ 2

Similar annual costs would continue as long as the provisions of the bill are in effect.

No fiscal implication to units of local government is anticipated.


Jim Oliver
Director

Source: Department of Health: LBB Staff: JO, JH, GR, eb

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE

May 13, 1983

Honorable James E. (Pete) Laney, Chair
Committee on State Affairs
House of Representatives
Austin, Texas

In Re: Senate Bill No. 813, as engrossed
By: Brooks

Sir:

In response to your request for a Fiscal Note on Senate Bill No. 813, as engrossed (relating to the licensing and regulation of speech-language pathologists and audiologists) this office has determined the following:

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

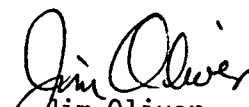
The bill would create the State Committee of Examiners for Speech Pathology and Audiology within the Texas Department of Health. Maximum fees for licensure and other services are set out in the bill, and would be deposited in a special fund in the treasury. All expenses for administration of the bill would be paid out of the special fund, except that for the first year \$80,000 would be appropriated from the General Revenue Fund to be repaid as funds are received. Approximately 2,000 persons are expected to seek licensure under the provisions of the bill.

The probable fiscal implication of implementing the provisions of the bill during each of the first five years following passage is estimated as follows:

Fiscal Year	Probable Cost Out of the General Revenue Fund	Probable Revenue Gain to the General Revenue Fund	Probable Cost Out of the Speech-Language Pathology and Audiology Fund	Probable Revenue Gain to the Speech-Language Pathology and Audiology Fund	Change in Number of State Employees from FY 1983
1984	\$80,000	\$80,000	-0-	-0-	+ 2
1985	-0-	-0-	\$61,057	\$61,057	+ 2
1986	-0-	-0-	61,057	61,057	+ 2
1987	-0-	-0-	61,057	61,057	+ 2
1988	-0-	-0-	61,057	61,057	+ 2

Similar annual fiscal implications would continue as long as the provisions of the bill are in effect.

No fiscal implication to units of local government is anticipated.


Jim Oliver
Director

Source: Department of Health;
LBB Staff: JO, JH, KH, GR, DM

5

S. B. No. 813

By D. Cooks

AN ACT relating to the licensing and regulation of speech-lamguage pathologists and audiologists; providing penalties; and declaring an emergency.

5-8-83 Filed with the Secretary of the Senate
MAR 9 1983 Read, referred to Committee on HEALTH AND HUMAN RESOURCES
Reported favorably.
APR 21 1983 Reported adversely, with favorable Committee Substitute; Committee Substitute read first time.
Ordered not printed.
MAY 9 1983 Senate and Constitutional Rules to permit consideration suspended by unanimous consent.
To permit consideration, reading and passage, Senate and Constitutional Rules suspended by vote of _____ yeas, _____ nays.
MAY 9 1983 Read second time and { ordered engrossed.
passed to third reading.
Caption ordered amended to conform to body of bill.
5-11-83 Senate and Constitutional 3-Day Rules suspended by vote of 29 yeas, 1 nays to place bill on third reading and final passage.
5-17-83 Read third time and passed by { a viva-voce vote.
_____ yeas, _____ nays.

OTHER ACTION:

Passed subject to Art. III, Sec. 49a of the Constitution

Betty King

May 9, 1983 Engrossed
5-9-83 Sent to House

Patsy Spaw
ENGROSSING CLERK

MAY 9 1983 Received from the Senate
MAY 10 1983 Read first time and referred to Committee on State Affairs
5-11-83 Reported favorably amended, sent to Printer at 3pm
5-17-83 Printed and Distributed 5:06 pm
MAY 17 1983 Sent to Committee on Calendars 6:12 pm
MAY 25 1983 Read Second time (amended); passed to third reading (failed)
by (Non-Record Vote) Record Vote of _____ yeas, _____ nays
Present, not voting.
Constitutional Rule requiring bills to be read on three several days suspended (failed to suspend) by a four-fifths vote of _____ yeas _____ nays _____ present not voting.
MAY 28 1983 Read third time (amended); finally passed (failed) by a (Non-Record Vote) Record Vote of _____ yeas _____ nays
present not voting.
Caption ordered amended to conform to body of bill.
MAY 28 1983 Returned to Senate.

Passed, subject to Art III,
Sec. 49a, Texas Constitution

Betty King
Chief Clerk of the House

MAY 28 1983 RETURNED FROM HOUSE